

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application for:

COUNCIL RESOLUTION 22-217

MICHELE CHOUTEAU MCLEAN, AICP,
Planning Director, transmitting Council
Resolution 22-217 referring to the Maui Planning
Commission a proposed bill for an ordinance to
amend the State Land Use District classification
from Agricultural District to Urban District
(Conditional Boundary Amendment) for the
proposed Kuikahi Affordable Housing
Community, located on a 14.9 acre parcel of
land adjacent to Kuikahi Drive, Wailuku, Maui,
Hawaii, Tax Map Key: (2) 3-5-002:003 (portion)

DOCKET NO. ZPA 2022-00004

Kuikahi Properties LLC

(D. Dias)

MAUI COUNTY PLANNING DEPARTMENT'S REPORT AND RECOMMENDATION
TO THE MAUI PLANNING COMMISSION

NOVEMBER 7, 2022 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 Main Street, Suite 315
Wailuku, Maui, HI. 96793

State Land Use District Boundary Amendment

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OVERVIEW

On September 20, 2002, the Maui County Council (Council) adopted Resolution 22-217 (**Exhibit 1**), referring to the Maui Planning Commission Bill 127 (2022) to amend the State Land Use District classification from Agricultural District to Urban District (Conditional Boundary Amendment) for the proposed Kuikahi Village Workforce Housing project (Project). The Council respectfully respects that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible.

In addition, on October 7, 2022, the Council adopted Resolution 22-193, CD1, FD1, approving the development of the Project under Chapter 2.97 of the Maui County Code (MCC). Chapter 2.97 of the MCC establishes "a process by which developers of 100 percent residential workforce housing projects may seek fast track development of their project by applying for County exemptions" from the Code. Please see the certified copy of Resolution 22-193, CD1, FD1 which includes a list of exemptions approved by the Council. (**Exhibit 2**)

DESCRIPTION OF THE PROJECT

Please note that most of the exhibits in this report were included in the Final Environmental Assessment for this project. Rather than providing separate exhibits attached to this report, a page number or location of where the exhibit(s) are available in the Final EA, Volumes I and II, will be provided in this report.

Kuikahi Properties, LLC (Developer, Applicant) proposes to develop the Kuikahi Village Workforce Housing project, a 100 percent residential workforce housing, 202-unit project on approximately 14.97 acres of land in Wailuku, located mauka of Honoapi'ilani Highway and along Kuikahi Drive at Tax Map Key (2) 3-5-002:003 (por). See location map and aerial photograph (**Exhibits 3 & 4**). The project will consist of a total of 202 affordable units in a variety of residence types such as multi-family, duplex, townhome, live-work, studio, and single-family units. The

proposed development also involves a minor commercial component through the live-work units, which are envisioned to be for neighborhood services or office-types of businesses. See proposed Site Plan and conceptual renderings (**Exhibits 5 - 9**), and view analysis (**FEA Volume II, Appendix A-1**). A breakdown of the Unit Types and number of units are in the table below.

Unit Type	Number of Units
Multi-Family/Condominium	120
Duplex	18
Townhomes	14
Live-Work	16
Studio	28
Single-Family	6
TOTAL	202

The following is a summary of the residential units and amenities proposed as part of the Kuikahi Village Project.

Multi-Family/Condominium Units

The project is proposing 120 Multi-Family/Condominium units which will be located in 11 buildings. The multi-family units will include two bedroom, two bathroom units and three bedroom, two bathroom units. The unit sizes will range from approximately 840 square feet (sq. ft.) to 1,060 sq. ft. The multi-family buildings will be three stories in height. Associated parking stalls for the units will also be provided. The multi-family units are proposed for the north side of the project site.

Duplex Units

Eighteen duplex units are proposed in nine buildings at the project site. The duplex buildings will be one and two stories in height and units will include three-bedroom, two-bathroom units. The duplex units will be approximately 900 sq. ft. in size. Related parking stalls will also be provided in the area of the units. The duplex units are proposed for the center portion of the project site.

Townhomes

Fourteen townhome units are proposed in seven buildings at the project site. The townhomes will be two stories in height, and units will include three-bedroom, two-bathroom units. The townhomes will be approximately 1,120 sq. ft. in size. Related parking stalls will be provided in the area for these units.

Live-Work Units

Eight buildings will house a total of 16 live-work type units. The live-work type units are proposed at the eastern end of the project site. The live-work units will be approximately 1,860 sq. ft. in size and include three-bedroom, two-bathroom units. The live-work units will be three stories in height and include parking for the residential and limited commercial use of the buildings. The live-work units are proposed for the eastern portion of the project site.

The 16 live-work units are an attractive living option to address the “missing middle housing”, as described in a Housing Technical Resource Paper (County of Maui, 2018) previously prepared for the County of Maui’s Planning Department. The intention of these live-work units is to allow residents to supplement their mortgage and living expenses through a multitude of ways, including

but not limited to such options like renting out a portion of their unit to long-term residents or conducting a small, home business that is secondary to the use of the home as a residence. Further, any business-related activities will be in compliance with use regulations as outlined in Chapter 19.67 of the MCC.

Studio Units

A total of 28 one-bedroom, one-bathroom units are proposed in 14 buildings. The units will be approximately 370 sq. ft. in size and will be located in two story buildings. Related parking for the studio units is also provided. The studio units are proposed for the southern area of the project site, located between the single-family residential and live-work units.

Single-Family Residences

Six single-family residences are also proposed, with four-bedroom, two-bathroom layouts. The homes will be approximately 1,400 sq. ft. in size and are located on the southwest side of the project site. Property lots for the single-family residences will range in size from approximately 4,600 sq. ft. to 5,200 sq. ft.

Recreational Amenities

The project is proposing five “spot parks” throughout the project site as well as a playground and pavilion, located in the center of the project site. Three spot parks are located within the multi-family residential area, with one spot park located adjacent to the live-work, studio and single-family residential units. The pavilion and playground are proposed within the duplex unit area. Additionally, the Applicant is proposing a pedestrian/bike path at the west end of the project site. The pedestrian/bike path will connect with Ku’ikahi Drive.

Other Related Improvements

The proposed project will be accessible via two entrances from Ku’ikahi Drive; one at the south portion of the project area, across of Kehalani Mauka Parkway, and the other on the north portion of the project site below an existing water tank. In coordination with the County of Maui, Department of Public Works, the Developer is proposing a roundabout at the southeast project driveway with Ku’ikahi Drive.

Additionally, other related infrastructural (*i.e.*, water, sewer, drainage, electrical, cable) improvements will be provided for the project as well as area landscaping, grading and other improvements relative to the overall development of the project.

The project site is not located within the Special Management Area (SMA), is designated “Agricultural” by the State Land Use Commission (LUC), is zoned as “Agricultural” by the County of Maui, is located within the Maui Island Plan’s (MIP) Rural Growth Boundary (RGB) and Urban Growth Boundary (UGB), and is designated “Agriculture” in the Wailuku-Kahului Community Plan. As a 100 percent affordable housing development, the Applicant applied for and obtained Chapter 2.97 MCC approval.

PROJECT NEED

According to the Hawaii Housing Planning Study, 2016, which was prepared for the County Department of Housing and Human Concerns, for 2015-2025, there is a demand for 13,949 new housing units, of which 6,183 are single-family houses. There is a demand in Maui County for 6,709

rental units, with 4,784 for single-family houses.

By income level, the greatest single-family housing ownership demand is for 1,122 single-family dwellings for those in the 80 to 120 percent Area Median Income (AMI) range set by the U.S. Department of Housing and Urban Development. There is a demand for 1,032 single-family units for those in the 120 to 140 percent AMI range; 1,022 single-family units for those in the less than 30 percent and 60 to 80 percent AMI ranges; 783 single-family units for those in the 30 to 50 percent AMI range; 610 units in the more than 180 percent AMI range; 368 units in the 140 to 180 percent AMI range; and 234 units in the 50 to 60 percent AMI range.

The greatest single-family housing rental demand is for 1,295 units in the less than 30 percent AMI range; 1,226 units in the 30 to 50 percent AMI range; 1,050 units in the 60 to 80 percent AMI range; 771 units in the 50 to 60 percent AMI range; 239 units in the 80 to 120 percent AMI range; 156 units in the 120 to 140 percent AMI range; 30 units for the more than 180 percent AMI; and 17 units for the 140 to 180 percent AMI range.

For many years, Maui has experienced a shortage of affordable housing for local residents. There has been very little housing available and affordable to lower income families, forcing many to either live in less than ideal, cramped conditions or relocate off-island. While there are other affordable housing projects being developed in the Wailuku area currently, the proposed project is unique in providing a variety of unit types to accommodate families of different sizes. As previously stated, the proposed project will address this housing shortage by providing 202 residential units of varying size to families earning between 60 and 140 percent of the AMI.

The proposed project would be an infill project as it is generally surrounded by existing residential development to the north, south and west and commercial development to the east. The site is located in proximity to existing infrastructure and services and amenities that support residential housing.

DESCRIPTION OF THE PROPERTY

The project site, including infrastructural improvements, is comprised of 14.9 acres and is located in northern Wailuku. The project site is located mauka of Honoapi'ilani Highway, which borders the site to the east, and adjacent to Ku'ikahi Drive, which borders the site to the north. Directly to the west and mauka from the project site is the Wailuku Heights subdivision, while further north and northeast (across Honoapi'ilani Highway) is the Kehalani Project District area. Vacant agricultural lands are located immediately to the south of the project site. Offsite utilities, such as sewer, water, electrical, and communication underground and overhead lines, exist within Ku'ikahi Drive. Various other residential developments and a handful of small locally owned businesses comprise the general land use fabric of this area of Wailuku.

Topography and Soil Conditions

Elevations across the 14.9-acre proposed subdivision site range from approximately 664 feet above mean sea level (amsl) to 540 feet amsl. The existing terrain slopes steadily downward from the northwestern corner of the site to the eastern portion of the site at a slope of approximately 10.6 percent. (**Final EA, Volume II, Appendix "B"**, Preliminary Engineering Report).

Underlying the project site and surrounding area are soils belonging to the Pulehu-Ewa-Jaucus association. According to the Soil Survey of the Islands of Kaua'i, O'ahu, Maui, Moloka'i, and Lāna'i, State of Hawai'i, prepared by the United States Department of Agriculture Soil Conservation Service, these soils are characterized as having a slight to moderate erosion hazard

(Foote et al, 1972). (**Exhibit 10**).

Per the “*Soil Survey Database for the Island of Maui, Hawai‘i*”, the project area is located on soils identified as, Iao Clay (IcB) and Iao Cobbly Silty Clay (IbB). These soils are reported to produce a low to medium amount of runoff and represent a slight to moderate erosion hazard (U.S. Department of Agriculture, 2014). (**Exhibit 11**).

The 14.9-acre project site was previously used for agriculture, and is currently vacant and undeveloped. The project grading concept considers the balancing of cut and fill quantities to reduce the import and/or export of earthwork material and to ensure that the building height standards can be met. Best Management Practices (BMPs) will be implemented during construction to minimize impacts from soil erosion resulting from wind and water (e.g., dust and silt fencing, watering for dust control, etc.). An application for a National Pollutant Discharge Elimination System (NPDES) permit will be submitted to the State Department of Health (DOH) for review and approval prior to the start of construction of the proposed subdivision. Grading and Work on County Highway permits will also be applied for the proposed subdivision and offsite roadway and utility connections. The underlying soils do not pose limitations with respect to project constructability. The proposed project is not anticipated to have an adverse effect on topography and soils.

Agricultural Productivity

In 1977, the State Department of Agriculture developed a classification system to identify Agricultural Lands of Importance to the State of Hawai‘i (ALISH). The classification system is based primarily, but not exclusively, on the soil classification of the land. The three categories are “Prime”, “Unique” and “Other Important” agricultural lands, with all remaining lands identified as “Unclassified”.

“Prime” agricultural lands have soil quality, growing season, and moisture supply needed to produce sustained high yield crops economically. “Unique” agricultural lands possess a combination of soil quality, growing season, and moisture supply to produce sustained high yields of specific crop. “Other” important agricultural lands are lands that have not been rated “Prime” or “Unique” agricultural lands that are also of statewide or local importance for agricultural use.

As previously stated, the project site is located in an area of Wailuku that was formerly utilized for agricultural purposes for multiple decades. As such, the project site is located within the ALISH’s “Prime” land area (**Exhibit 12**). However, the project site has not been cultivated for agricultural use for over 15 years and currently sits vacant and underutilized.

Separately, the University of Hawai‘i, Land Study Bureau (LSB) developed the Overall Productivity Rating, which classified soils according to five productivity levels, with “A” representing the class of highest productivity soils and “E” representing the lowest. The soils in the eastern portion of the project site has been classified “A”, while the soils in the western portion has been classified as “B”, and the soil along a small strip on the northern portion of the project site classified as “E” by the LSB. (**Exhibit 13**)

The proposed project will utilize the property for needed affordable housing for Maui families earning 60 percent to 140 percent of the Area Median Income. The proposed project is considered an infill development, as the property is located adjacent to existing urbanized areas with other similar residential subdivisions. The proposed action will occur on property that has been fallow for over 15 years. Additionally, the use of the 14.9 acres for affordable housing purpose represents a relatively small area of land designated for agricultural use on the island of Maui. There are approximately 242,440 acres of land designated “Agricultural” by the LUC on Maui island alone

(Maui County Data Book, 2019). As the lands are not currently actively cultivated, there are no adverse impacts to agriculturally productive lands as a result of the proposed action.

Flood Designation

According to the Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency, the project site is situated within Flood Zone X, which is designated as areas outside the 0.2% annual chance flood plain. The proposed project is located in the safe zone from tsunami events, as designated by the Maui County Emergency Management Agency.

Land Use Designations

State Land Use District	Agriculture
Maui Island Plan	Within the Rural and Urban Growth Boundary
.....	Outside Protected Areas
Wailuku-Kahului Community Plan	Agriculture
County Zoning	Agriculture
Other.....	None

Surrounding Uses

Surrounding uses include:

North:	Kehalani Master Plan Development
South:	Existing residential areas of Waikapu and the Waiolani Mauka area
East:	Honoapi'ilani Highway
West:	Existing single-family residences (portion of the Wailuku Heights area)

Applicable Regulations

LAND USE COMMISSION DISTRICT BOUNDARY AMENDMENT

Pursuant to Section 205-3.1 (c), Amendments to district boundaries, Hawaii Revised Statutes (HRS), pertaining to petitions for boundary amendments involving land areas of fifteen acres or less, except in conservation districts, shall be determined by the appropriate county land use decision-making authority (County Council). Pursuant to Title 19 Zoning, Chapter 19.68, State Land Use District Boundaries, MCC, certain responsibilities for the administration of boundary amendments are delegated to the Maui Planning Commission. The Planning Commission is relegated to making a recommendation to the County Council.

Further, pursuant to Section 19.68.040,MCC, the County Council, prior to the enactment of an ordinance effecting any reclassification/boundary change, may impose conditions upon the applicant's use of the property, fulfillment of such conditions to be prerequisite to the adoption of such ordinance or applicable part thereof. Such conditions shall have already been performed prior to council action on the reclassification/change of boundary or be enforceable by the county after council action. Conditions shall be fulfilled within the time limitation established by the council, or, if no time limitations is established, within a reasonable time. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances or filed with the assistant registrar of the land court. Conditions shall be imposed only if the council finds such to be necessary to prevent adverse effects upon public health, safety and welfare, and shall be reasonably conceived to fulfill needs arising directly out of the proposed land use in the following respects:

1. Protection of the public from the potentially deleterious effects of the proposed use; or
2. Fulfillment of the needs for public service demands created by the proposed use.

PROCEDURAL MATTERS

1. On September 20, 2002, the Maui County Council adopted Resolution 22-217 referring to the Maui Planning Commission Bill 127 (2022) to amend the State Land Use District classification from Agricultural District to Urban District (Conditional Boundary Amendment) for the proposed Kuikahi Village Workforce Housing project.
2. On September 28, 2022, the Office of the County Clerk transmitted the Resolution and Committee Report to the Planning Department via the Mayor's Office.
3. On October 7, 2022, a Public Hearing Notice was published in the Maui News by the Planning Department.

REVIEWING AGENCIES

Please refer to the Final EA for agency comment letters and responses. These comment letters were received during the Draft Environmental Assessment review period in 2021. The following table includes the page number that the comment is located in Volume I of the Final EA.

County Agencies	Comment	Page Number
Maui Emergency Management Agency	Yes	244
Developer's Response		246
Department of Fire and Public Safety	Yes	249
Developer's Response		250
Department of Parks and Recreation	Yes	251
Developer's Response		252
Department of Planning	Yes	253
Developer's Response		257
Police Department	Yes	292
Developer's Response		293
Department of Public Works	Yes	294
Developer's Response		296
Department of Transportation	No	297
Department of Water Supply	Yes	299
Developer's Response		302

State Agencies	Comment	Exhibit Number
Department of Accounting and General Services	No	210
Department of Land and Natural Resources – Commission on Water Resource Management	Yes	212
Developer's Response		214
Department of Education	Yes	216 & 133

Developer's Response		134
Department of Health (Maui Office)	Yes	218
Developer's Response		219
Department of Land and Natural Resources – Land Division	Yes	220
Developer's Response		226
Department of Public Safety	No	228
Department of Transportation	Yes	230
Developer's Response		233
University of Hawaii at Manoa – Institute for Astronomy	Yes	239
Developer's Response		241

Federal Agencies	Comment	Exhibit Number
United States Department of the Interior	Yes	201
Developer's Response		207

Others	Comment	Exhibit Number
Urban Design Review Board	Yes	281
Developer's Response		283
Maui Economic Opportunity, Inc.	Yes	305
Developer's Response		306
Wailuku Heights Extension Community Association	Yes	307
Developer's Response		309
Aha Moku 'O Wailuku	Yes	312
Developer's Response		313

ANALYSIS

LAND USE

1. The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan.
2. The subject property is in the State Agricultural District. The Applicant is requesting a District Boundary Amendment to the Urban District.

District Boundary Amendment

The Developer is requesting a State District Boundary Amendment to reclassify the property from the State Agriculture District to the Urban District.

Pursuant to Section 205-3.1 (c), Amendments to district boundaries, HRS, pertaining to petitions for boundary amendments involving land areas of 15 acres or less, except in conservation districts, shall be determined by the appropriate county land use decision-making authority (County Council). Pursuant to Title 19 Zoning, Chapter 19.68, State Land Use District Boundaries, MCC, certain responsibilities for the administration of boundary amendments are delegated to the Maui Planning Commission. The Planning Commission is relegated to making a recommendation to the County Council.

Further, pursuant to Section 19.68.040, the county council, prior to the enactment of an ordinance effecting any reclassification/boundary change, may impose conditions upon the Applicant's use of the property, fulfillment of such conditions to be prerequisite to the adoption of such ordinance or applicable part thereof. Such conditions shall have already been performed prior to council action on the reclassification/change of boundary or be enforceable by the county after council action. Conditions shall be fulfilled within the time limitation established by the council, or, if no time limitations is established, within a reasonable time. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances or filed with the assistant registrar of the land court. Conditions shall be imposed only if the council finds such to be necessary to prevent adverse effects upon public health, safety and welfare, and shall be reasonably conceived to fulfill needs arising directly out of the proposed land use in the following respects:

1. Protection of the public from the potentially deleterious effects of the proposed use; or
2. Fulfillment of the needs for public service demands created by the proposed use.

The Maui Planning Commission will make a recommendation to the County Council, who will be the final authority on the District Boundary Amendment request.

3. As stated in the Maui County Charter, as amended in 2002:

"The General Plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns, and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development."

The County of Maui 2030 General Plan Countywide Policy Plan, adopted by the Maui County Council on March 19, 2010, is the first component of the decennial General Plan update. The Countywide Policy Plan replaces the General Plan as adopted in 1990 and amended in 2002. The Countywide Policy Plan acts as an over-arching values statement and umbrella policy document for the Maui Island Plan and the nine Community Plans that provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future. The plan includes:

1. A vision statement and core values for the County to the year 2030
2. An explanation of the plan-making process
3. A description and background information regarding Maui County today
4. Identification of guiding principles
5. A list of countywide goals, objectives, policies, and implementing actions related to the following core themes:
 - A. Protect the Natural Environment

- B. Preserve Local Cultures and Traditions
- C. Improve Education
- D. Strengthen Social and Healthcare Services
- E. Expand Housing Opportunities for Residents
- F. Strengthen the Local Economy
- G. Improve Parks and Public Facilities
- H. Diversify Transportation Options
- I. Improve Physical Infrastructure
- J. Promote Sustainable Land Use and Growth Management
- K. Strive for Good Governance

The proposed action is in keeping with the following Countywide Policy Plan goals, objectives and policies:

THEME: Strengthen the Local Economy

GOAL: Maui County's economy will be diverse, sustainable, and supportive of community values.

Objective: Promote an economic climate that will encourage diversification of the County's economic base and a sustainable rate of economic growth.

4. The Maui Island Plan (MIP) is applicable to the island of Maui only. The MIP provides more specific policy-based strategies for matters related to future growth.

As provided by Chapter 2.80B, the MIP shall include the following components:

1. *An island-wide land use strategy, including a managed and directed growth plan*
2. *A water element assessing supply, demand and quality parameters*
3. *A nearshore ecosystem element assessing nearshore waters and requirements for preservation and restoration*
4. *An implementation program which addresses the County's 20-year capital improvement requirements, financial program for implementation, and action implementation schedule*
5. *Milestone indicators designed to measure implementation progress of the MIP*

The MIP addresses a number of planning categories with detailed policy analysis and recommendations which are framed in terms of goals, objectives, policies and implementing actions. These planning categories address the following areas:

1. *Population*
2. *Heritage Resources*
3. *Natural Hazards*
4. *Economic Development*
5. *Housing*
6. *Infrastructure and Public Facilities*

7. Land Use

Additionally, an essential element of the MIP is its directed growth plan which provides a management framework for future growth in a manner that is fiscally, environmentally, and culturally prudent. Among the directed growth management tools developed through the MIP process are maps delineating urban growth boundaries (UGB), small town boundaries (SRB) and rural growth boundaries (RGB). The respective boundaries identify areas appropriate for future growth and their corresponding intent with respect to development character.

The subject parcel is in the MIP Urban Growth Boundary (UGB) and Outside of Protected Areas. The proposed project is in conformance with the following MIP goals and objectives:

POPULATION

- Goal: 1.1 Maui's people, values, and lifestyles will thrive through strong, healthy, and vibrant island communities.
- Objective: 1.1.1 Greater retention of island residents by providing viable work, education, and lifestyle options.
- Policy : 1.1.1.b Expand housing, transportation, employment, and social opportunities to ensure residents are able to comfortably age within their communities.

ECONOMIC DEVELOPMENT

- Goal: 4.1 Maui will have a balanced economy composed of a variety of industries that offer employment opportunities and well-paying jobs and a business environment that is sensitive to resident needs and the island's unique natural and cultural resources.
- Objective: 4.1.1 A more diversified economy.
- Policy: 4.1.1b Support the creation of new jobs and industries that provide a living wage.
- 4.1.1.c Facilitate and expedite permits and approvals.
- Objective: 4.1.3 Improve the island's business climate.
- Policy: 4.1.3.b Ensure an adequate supply of affordable workforce housing.
- 4.1.3.c Develop neighborhoods and communities that are attractive to the workforce of a diversified economy.

HOUSING

- Goal: 5.1 Maui will have safe, decent, appropriate, and affordable housing for all residents developed in a way that contributes to strong neighborhoods and a thriving island community.
- Objective: 5.1.1 More livable communities that provide for a mix of housing types, land uses, income levels, and age.

- Policy : 5.1.1.a Promote livable communities (compact/walkable/bikeable, access to transit) that provide for a mix of housing types and land uses, including parks, open space, and recreational areas.
- Objective: 5.1.3 Provide affordable housing, rental or in fee, to the broad spectrum of our island community.
- Objective: 5.1.6 Reduce the cost to developers of providing housing that is affordable to families with household incomes 160 percent and below of annual median income.
- Policy: 5.1.6.a Support fast-track processing procedures for the following housing-related entitlements: affordable housing projects/units; indigenous Hawaiian housing/units; and special-needs housing units (seniors, disabled, homeless, etc.)

LAND USE

- Goal: 7.3 Maui will have livable human-scale urban communities, an efficient and sustainable land use pattern, and sufficient housing and services for Maui residents.
- Objective: 7.3.1 Facilitate and support a more compact, efficient, human-scale urban development pattern.
- Policies: 7.3.1.a Ensure higher-density compact urban communities, infill, and redevelopment of underutilized urban lots within Urban Growth Boundary.
- Objective: 7.3.2 Facilitate more self-sufficient and sustainable communities.
- Policies: 7.3.2.c Facilitate self-sufficient communities and shorten commutes by:
- (1) Directing residential development to job-rich areas
- 7.3.2.d Ensure, where appropriate, that affordable employee housing and multi-modal transportation opportunities are located near major employment centers.
- 7.3.2.f Facilitate the development of housing by focusing projects in locations where land and infrastructure costs facilitate the development of affordably-priced housing.
- Objective: 7.3.5 Ensure that Maui's planning and development review process becomes more transparent, efficient, and innovative.
- Policies: 7.3.5.a Encourage greater community involvement in land use planning and decision making.
- 7.3.5.d Provide greater certainty and transparency in the development review process.

DIRECTED GROWTH PLAN

Goal: 8.1 Maui will have well-served, complete and vibrant urban communities and traditional small towns through sound planning and clearly defined development expectations.

Policies: 8.1.e New development shall be consistent with the UGBs, STBs, and all other applicable policies of the MIP. New urban-density development shall not be allowed outside of a UGB or STB.

8.1.i The County will promote (through incentives, financial participation, expedited project review, infrastructure/public facilities support, etc.) appropriate urban infill, redevelopment and the efficient use of buildable land within UGBs to avoid the need to expand the UGBs.

The proposed project is consistent with the goals, objectives, and policies of the Maui Island Plan.

5. According to the Wailuku-Kahului Community Plan the property is identified as "Agriculture". The proposed project is not consistent with this land use designation and the Developer has sought and received an exemption from Chapter 2.80B, MCC, General Plan and Community Plans, which allows the project to proceed without a community plan amendment.

6. The parcel is zoned Agriculture by the County of Maui. The project as proposed is not a permitted use in the Agricultural District. The Developer has sought and received an exemption from Chapter 19.30A, MCC, Agricultural District, to allow for the following:

1. Single-family dwellings, multi-family dwellings, park amenities such as pavilions, gazebos, playgrounds, and play courts, along with home-based businesses, as defined in Chapter 19.67 MCC as permitted principal uses.
2. Carports, private garages, small-scale energy systems, fences, walls, and storage sheds as permitted accessory uses.
3. Minimum lot sizes for dwellings to be 4,500 sq. ft. and 1,250 sq. ft. for parks.
4. Dwelling heights to be up to three stories or 42 feet in height, and park structures to be up to two stories or 30 feet in height.
5. Retaining walls up to eight feet in height, and other walls or fences up to six feet in height.
6. Setbacks for single-story dwellings up to 15 feet in height to have a front yard setback of 15 feet, and side and rear yard of six feet, consistent with Residential districts.

Setbacks for two and three-story dwellings above 15 feet in height to have a front yard setback area of 15 feet, and side and rear yard of 10 feet. Setbacks for Park structures shall be 0 feet.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

With respect to Archaeological resources, a previous Archaeological Inventory

Survey (AIS) was conducted in 2005 for two parcels totaling 215.8 acres (TMK Nos. (2) 3-5-002:002 and 003), which included the 14.9-acre project site. The AIS was conducted by Scientific Consultant Services, Inc. (SCS) and was comprised of historic background settlement pattern research, a complete pedestrian survey of the survey area, and subsurface testing via backhoe and reporting. The State Historic Preservation Division (SHPD) accepted the AIS by letter dated November 18, 2005. **(See Final EA, Volume II, Appendix “D”, and “D-1” respectively)**

The fieldwork involved the execution of a complete pedestrian survey of the subject area, as well as lands beyond for the purpose of site inventory and limited subsurface testing to evaluate the significance of any subsurface deposits. Laboratory work consisted of analysis of any subsurface deposits found and literature research review involved a review of all previous archaeological work conducted in the surrounding area.

During the field inspection, seven historical sites related to the former use of the area for sugar cane cultivation were identified. The sites were determined significant under Criterion “D” as having the potential to yield information important to understanding the history of the region and were determined to be adequately documented by SHPD. The sites included Waihe’e Ditch (State Site 50-50-04-5197), Waikapū Ditch (State Site 50-50-04-5493), an unnamed lesser ditch (State Site 50-50-04-5729), another unnamed lesser ditch (State Site 50-50-04-5726), a larger unnamed reservoir (State Site 50-50-04-5727), a series of 14 sugar cane field erosion-control soil berms (State Site 50-50-04-5728), and Old Waikapū Road (State Site 50-50-04-5730). Six of the seven sites are located outside of the project area. The series of sugar cane erosion-control soil berms (State Site -5728) is located within the project site. These sites revealed a network of irrigation systems in the form of ditches and a reservoir, erosion-control berms, and a historic dirt road and are part of the turn-of-the century sugar industry in Hawai‘i. No burial features or human remains were identified during the pedestrian surveys or subsurface testing.

For the proposed Kuikahi Village project, a HRS 6E submittal form and related documentation was prepared and submitted to the State Historic Preservation Division (SHPD) for review and determination in February 2021. **(See Final EA, Volume II, Appendix “D-2”)**

The previous AIS for the 14.9-acre site involved evaluation, documentation, and recordation and when necessary, limited subsurface investigation of recorded sites. Laboratory analysis was also performed, where necessary.

As noted previously, the AIS was accepted by SHPD by letter dated November 18, 2005. In their acceptance letter, SHPD concluded that no further archaeological mitigation is necessary. The project’s archaeologist, SCS, submitted a Section 6E, HRS form to SHPD in February 2021 to reconfirm SHPD’s acceptance of the previous AIS and that no further action is necessary.

With respect to cultural resources, a Cultural Impact Assessment (CIA) report was prepared March 1, 2021 by Honu Media in order to identify the possibility of ongoing cultural activities and resources within the project area or its vicinity, and then assessing the potential for impacts on these cultural resources. **(See Final EA, Volume II, Appendix “E”)**

The land on which the proposed project sits was cultivated for sugar and pineapple for over 135 years and untouched since 2005 when agricultural activities ceased. As described in the Archaeological Resources section of this Chapter, the AIS identified

historical sites related to former use of the area associated with sugar cane cultivation. No burial features or human remains were identified.

Oral interviews were conducted as part of the CIA with interviewees that responded to solicitations and were contacted for interviews on cultural and historical knowledge of the project area.

An interview was conducted with Warrick Dutro from Kula, Maui who is a member of the Cummings family, but grew up in the area and practices ka nohona Hawai'i. Mr. Dutro farms taro nearby at one of the many lo'i kahiko o Waikapu with walls built from two-man boulders. While the area was commercially farmed, youngsters played, and teenagers came in their trucks to drink beer and socialize. Warrick recalls chicken fights in the pineapple field of Puhiawa'awa, away from Waikapu Valley. The CIA notes that cock fighting was a traditional Hawaiian pastime also, as reported by Martha Beckwith in Hawaiian Mythology. Other memories described by Mr. Dutro were the pineapple fields being used to dispose of pig bones after family luaus and people sometimes buried their pets in the fields.

Also interviewed was Avery Chumbley, Manager of the Wailuku Water Company, who had knowledge on the history of the area. He spoke of pre-Mahele times in the mid 1800's when the lands were heavily populated with native Hawaiians, particularly in the Wailuku area. During that time, it was Kingdom-land that cultivated coffee beans. Wailuku Sugar Company bought the land in 1894 and its successive entities, Wailuku Agribusiness which was part of C. Brewer & Co., who owned or controlled the property before selling it to Towne Realty. The property was in sugar cane cultivation until it was used for pineapple cultivation from about 1988 until about 2003 or 2004. He had no knowledge on cultural or historical aspects of the property except for the reservoir that is regulated by the DLNR Dam Safety Division. He stated that the regulated dam could be a high risk to life and property. A failure or breach of the dam would be a catastrophic event of severe flooding. Mr. Chumbley was aware of the SCS Archaeology report of 2005 and knew that there were no finds other than plantation irrigation ditches and the Old Waikapu Road.

Six other people who responded to the solicitation for interviewees were as follows:

- Kaniloa Kamaunu, committee member of Aha Moku 'O Wailuku (AWOW), asked the Applicant for a presentation to the committee. The Applicant provided a presentation on January 26, 2022. AWOW stated that they are, "aware of the concerns for affordable housing needed here on Maui", but that they "cannot support the project". (**Exhibit 14**)
- Kaleo'uhane Ho'opai, Wailuku resident and family genealogist was met during a "talk story" session at Church of God on Ho'okele Street in Wailuku. She did not have any specific cultural or historical facts about the project area.
- Lucienne DeNaie is the Principal of Maui Tomorrow, Sierra Club, and Maui Cultural Land Trust, and a Historian and Author. Her suggestion was to interview Avery Chumbley, Wailuku Water Company, formerly with C. Brewer & Company, which owned Wailuku Sugar Company. She also kindly passed on requests for informants to committee members of the Aha Moku 'O Wailuku.
- Penelope Randall who emailed a reply stating "All I know is that all that area has burials" did not respond to a follow-up email or phone calls. No further response was received by Ms. Randall.

- Amy Halas replied to the first public release, but did not have any specific ties to or information about the project area. No further response was received on a second request.
- Mavis Madieros Oliviera of the Oliviera-Ho'opi'i family of Hana is a Researcher for the Ke 'Au Ali'i land conservation group in Hana. She had no specific information about the project area.

The CIA report was an effort of multiple online searches of government and museum map collections, photos and aerials that revealed no structures on the property. The 2005 AIS of the property recorded historic irrigation ditches, watercourses and roads registered with SHPD. Recent studies of Kehalani Mauka just east and south of the project area also found similar irrigation ditches and no burial assets. Out of the interviews conducted via solicitation, none testified to the presence of any ceremonial or cultural practices, resources, or sites, presence of house sites or burials connected to the project area. As such, the CIA report concluded that there would be no impacts to cultural resources, nor effect on historic properties. Furthermore, the report also recommended adhering to monitoring practices as prescribed by SHPD.

INFRASTRUCTURE, PUBLIC FACILITIES AND SERVICES

1. **Water** - A Preliminary Engineering Report (PER) was prepared by Otomo Engineering, Inc. for the proposed project (**See Final EA, Volume II, Appendix "E"**). Water for the Wailuku area is provided by the County's Department of Water Supply (DWS) Central Maui System. Water is provided from wells in the Iao and Waihe'e aquifers. The previous landowner participated in a water infrastructure upgrade project for the DWS system, whereby a planned 300,000 gallon storage tank was expanded to 500,000 gallons to accommodate the previous project. The 500,000 gallon tank was constructed and is located at the 835 feet elevation, near the project site. The PER noted that there is an existing 8-inch County force main that delivers water from the 3.0 MG Waiale Tank to the 1.5 MG tank at the 670 feet elevation. The 8-inch force main traverses along Ku'ikahi Drive, to the 1.5 MG tank, which is located immediately west of the project site. The proposed development between the 560 and 725 foot elevation will be serviced by the Kehalani Mauka high level water service. Storage for the project will be provided by the existing 500,000 gallon tank.

The PER noted that in accordance with the DWS's Domestic Consumption Guidelines for multi-family residential development, the average daily demand for the 120 multi-family units, six single-family units, 18 duplexes, 14 townhomes, 16 live-work units and 28 studios is anticipated to be approximately 111,040 gallons per day (GPD). Following the review of the Draft EA, the project was revised to reduce the number of duplex units from 34 to 18 and include 14 townhome units. The townhome units were included in the original duplex units. Fire flow for a low-rise multi-family development is 1,500 gallons per minute for a 2-hour duration. Fire hydrants will be installed within the project site with a maximum spacing of 250 feet.

Lastly, it is noted that as a 100 percent affordable housing project, the Developer will seek an exemption through the MCC Chapter 2.97 application process for the Water Availability (Chapter 14.12) provision of the MCC. Further, in 2007 and 2012, Kehalani Mauka entered into water use agreements with the previous property owner, Towne Development of Hawaii, for 225,000 gallons of water storage in the Kehalani Mauka water storage tank. The Developer purchased Parcel 3 from Towne Development of Hawaii, which included said water storage credits. As such, the Developer intends to utilize these water storage credits for the proposed project.

2. **Sewers** – The Wailuku area is served by the County of Maui's sewer system, which collects wastewater and conveys it to the Wailuku-Kahului Wastewater Reclamation Facility (WKWWRf) for treatment and disposal. The PER noted that there are existing 8-inch sewerlines along Ku'ikahi Drive, in proximity to the project site. The existing sewerlines travel east along Ku'ikahi Drive which connects to a sewer manhole at the intersection of Ku'ikahi Drive and Waiale Road. From that point, the existing sewer system travels north along Waiale Road, Lower Main Street and crosses Waiehu Beach Road to discharge into the Wailuku Wastewater Pump Station (WWPS). The WWPS is located makai of the Waiehu Beach Road and Kahului Beach Road intersection. The WWPS then pumps the wastewater through a 24-inch force main to the WKWWRf for treatment.

The PER noted that the proposed project, with its 120 multi-family units, six single-family units, 18 duplexes, 14 townhomes, 16 live-work units and 28 studios are anticipated to generate approximately 52,840 GPD of wastewater. Similar to the explanation on the water use for the project, the project was revised to reduce the number of duplex units from 34 to 18 and to include 14 townhomes. The townhome units were originally included in the 34 duplex units. The proposed project will include an onsite sewer collection system which will collect wastewater from the units and connect to the County's existing sewer system within Ku'ikahi Drive. The onsite sewer improvements will be designed to County standards (**See Final EA, Volume II, Appendix "E"**).

3. **Drainage** – The elevations at the project site range from approximately 664 feet above mean sea level (amsl) at the northwestern corner of the site to approximately 540 feet amsl at the eastern end of the site, with an average slope of approximately 10.6 percent.

As previously noted, there is an existing dam/reservoir located above the DWS's 500,000 gallon storage tank, on the north side of the project site. The dam/reservoir receives water from an irrigation ditch as well as drainage from the Wailuku Heights subdivision. (**Exhibit 15**)

There are two existing drainageways that traverse through Parcel 3. The first drainageway is on the south side of the reservoir/dam and the DWS' 500,000 gallon tank. The PER noted that according to the as-built plans and drainage report for the Wailuku Heights Unit 1, the 100-year flow at South Alu Road is 611.7 cubic feet per second (cfs). The second drainageway is parallel to and outside of the southern boundary of the project site. The as-built plans and drainage report for the Wailuku Heights Unit 1 noted that the 100-year flow at South Alu Road in this vicinity is 619.9 cfs. Both drainageways cross South Alu Road with 11.5 foot by 7.3 foot arch pipe culverts. The two existing drainageways flow in west to east direction and eventually merge makai (east) of the project site. The flows from the existing drainageways continue toward Honoapi'ilani Highway. The PER noted that the estimated existing 50-year, 1-hour storm runoff from the project site is 23.51 cfs, with a corresponding runoff volume of 32,446 cubic feet.

Following the build out of the project, the PER estimated that the 50-year, 1-hour storm runoff would be 66.45 cfs, with a corresponding storage volume of 118,619 cubic feet. There will be a net increase in runoff of 42.94 cfs, due to the development of the project. The corresponding increase in runoff volume will be 86,173 cubic feet.

The existing southern drainageway will not be altered and offsite runoff will continue to sheet flow in a westerly direction as it is currently. Underground culverts will be installed along

sections of the existing northern drainageway. The installation of culverts will accommodate the construction of the structures and parking areas for the proposed project.

A large onsite retention basin will be constructed at the easterly end of the project site. Onsite runoff will be collected by grated inlet catch basins within the paved parking areas and conveyed to the onsite retention basin. The retention basin and subsurface drainage system will be sized to accommodate more than the increase in the surface runoff volume from a 50-year, 1-hour storm for the project site. An overflow culvert at the retention basin will allow excess runoff to discharge to an outlet which will be located within the existing northern drainageway. At the outlet, runoff will continue downstream along its present drainage pattern, at a flow less than the pre-development rate.

The drainage design criteria will be to minimize any alterations to the natural pattern of the existing onsite surface runoff and reduce the quality of runoff sheet flowing from the project to the downstream properties. Offsite runoff from the drainage areas mauka of South Alu Road will continue to flow through the project site along its present route. The proposed project's drainage system will be designed in accordance with the County of Maui's Rules for Design of Storm Drainage Facility and Rules for the Design of Storm Water Treatment Best Management Practices.

Lastly, the Developer is currently working with the Department of Public Works (DPW) to remove the outlet of the existing 66-inch culvert from the dam/reservoir to a new retention basin (planned by the DPW) which will be sized to accommodate the flow from the Wailuku Heights subdivision. The site of the new retention basin is being considered south of the existing dam/reservoir. The Developer has met with the State DLNR Engineering-Dam Safety Division to discuss alternatives to reduce the height of the dam for possible declassification. This action is being pursued separately from the proposed action.

4. **Roadways, Curbs, Gutters and Sidewalks** – A Traffic Impact Analysis Report (TIAR) was prepared by Austin, Tsutsumi & Associates, Inc. for the proposed project in January 26, 2021 to evaluate potential traffic impacts resulting from the proposed project (**See Final EA, Volume II, Appendix "G" for a copy of the Traffic Impact Analysis Report**).

Roadways surrounding the project site and serving the region are:

1. Honoapi'ilani Highway, east of the project site, is a north-south State Department of Transportation (SDOT) - Highways Division roadway, two-way, two-lane undivided arterial highway with posted speeds ranging from 30 miles per hour (mph) to 45 mph. Separate right turn lanes are provided at all major intersections from Wailuku to Waikapu.
2. Ku'ikahi Drive that borders the project site, is a County east-west roadway, two-way, two-lane, undivided collector road with posted speeds ranging from 25 mph to 30 mph.
3. Maui Lani Parkway that connects to Ku'ikahi Drive, is a County east-west roadway, two-way, two-lane divided collector road which provides a connection for the Waiale area to other regional roads.
4. Waiale Road, a County north-south roadway, is a two-way, two-lane, undivided collector road with posted speeds ranging from 25 mph to 30 mph. It serves as the

southern connection to Lower Main Street, extends through the Kehalani Village Center, and ends in Waikapu at East Waiko Road.

5. East Waiko Road, a County east-west roadway, is a two-way, two-lane, undivided collector road with posted speeds ranging from 20 mph to 25 mph. East Waiko Road connects to the Honoapi'ilani Highway at its west terminus at a signalized intersection.
6. Kehalani Parkway, mostly a County roadway, is a two-way, two-lane divided collector road with posted speeds ranging from 20 mph to 30 mph. The parkway starts from the lower Kehalani residential subdivisions and extends east across Honoapi'ilani Highway in the mauka direction then loops around Pu'u Kukui Elementary School and the upper Kehalani residential subdivisions. The parkway physically continues to loop south and connect to Ku'ikahi Drive across the proposed project access road. However, the mauka portion of the road is currently blocked while the Anuheha residential homes are being constructed.
7. Nokekula Loop, Ha'awi Street and Kokololio Street, are east-west local County roads posted at 20 mph, which connect to Waiale Road and service the Waikapu Gardens, Phase I residential neighborhood.
8. Ohana Hana Loop, is an east-west local road posted at 20 mph that connects to Waiale Road and services the Waikapu Gardens Phase II residential neighborhood.
9. Kaohu Street, a County east-west local road posted at 20 mph, is a two-way, two-lane undivided local road servicing the County building, residential areas, and various businesses.
10. Olomea Street, a County east-west local road posted at 20 mph, is a two-way, two-lane undivided road servicing the Kehalani residential subdivision.

Existing traffic volumes were captured between March through May 2019 at the following roadway intersections surrounding the project area/region were analyzed on their existing operating Level of Service (LOS). (**Exhibit 16**)

1. Kamehameha Avenue/Maui Lani Parkway, most recently converted to a roundabout but was previously a 4-way stop controlled intersection where eastbound and southbound approaches operate at LOS F in the AM peak hour. The eastbound, westbound, and southbound through/right turn movement operates at LOS F with overcapacity conditions during the PM peak hour.

Waiale Road/Kaohu Street/Oluolu Drive is a four-way stop controlled intersection with shared lanes along its approaches. During the AM peak hour, the Waiale Road approaches operate at LOS F or overcapacity conditions. During the PM peak hour, the southbound approach operates at LOS F and overcapacity conditions with the northbound left turn/through movement operating at LOS E.

2. Waiale Road/Wai'inu Road, an unsignalized T-intersection that is with stop control on the westbound Waiinu Road approach, operates at LOS F and overcapacity conditions with lengthy delays in both the AM and PM peak hours.
3. Waiale Road/Olomea Street, is an unsignalized intersection with stop control on the

eastbound Olomea Street approach. There is the Maui Community Correctional Center driveway slightly offset to the south of Olomea Street. During the AM and PM peak hour, the eastbound movement operates at LOS F and overcapacity conditions.

4. Waiale Road/Kaupo Street, is an unsignalized T-intersection with exclusive left turn and right turn lane along the Kaupo Street approach and no separate turn lanes on the Waiale Road approaches. Eastbound left turn movements operate at LOS F during the AM and PM peak hours with overcapacity conditions during the AM peak hour.
5. Waiale Road/Ku'ikahi Drive/Maui Lani Parkway is a signalized intersection with exclusive left turn lanes on all approaches and an exclusive right turn lane on the westbound approach. All movements currently operate at LOS C or better during the AM and PM peak hour except with a 20 to 30-minute queue in the AM beyond the length of the left turn storage lane into the Kehalani Village Drive backing up to Honoapi'ilani Highway.
6. Waiale Road at Kokololio Street, Ha'awi Street, Nokekula Loop, and Ohana Hana Loop are unsignalized T-intersections servicing the Waikapu Gardens Phase I and II developments. All movements at the intersections operate at LOS B or better during the AM and PM peak hours.
7. Waiale Road/Waiko Road is an unsignalized T-intersection with shared lanes on all approaches with the southbound approach being stop controlled. All movements operate at LOS D or better during the AM and PM peak hours.
8. Ku'ikahi Drive/Kehalani Village Center Access is an unsignalized T-intersection with exclusive left turn lanes in the eastbound and southbound directions with all movements operating at LOS D or better during the AM and PM peak hours except the southbound left turn movement that operates at LOS E during the PM peak hour.
9. Honoapi'ilani Highway/Ku'ikahi Drive is a signalized intersection with exclusive left and right turn lanes on all approaches. All movements currently operate at LOS D or better during the AM and PM peak hours.
10. Honoapi'ilani Highway/Pilikana Street is a signalized T-intersection with an exclusive northbound left turn lane and southbound channelized exclusive right turn lane. All movements operate at LOS C or better during the AM and PM peak hours.
11. Honoapi'ilani Highway/Waiko Road is a signalized intersection with exclusive left turn lanes on the northbound and southbound approaches and exclusive right turn lanes on the eastbound and southbound approaches. All movements operate at LOS C or better during the AM and PM peak hours.
12. Honoapi'ilani Highway/Kehalani Parkway is a signalized intersection with exclusive left and right turn lanes on all approaches. All movements operate at LOS D or better during the AM and PM peak hours. There is a period of heavy traffic for about 30 minutes during AM peak hour between 7:15-7:45 AM from traffic generated by the Pu'u Kukui Elementary School. Queueing on Honoapi'ilani Highway at Aupuni Street fronting the Wailuku Library also results from the Wailuku Elementary School morning drop-offs. Northbound traffic on the highway queues back to Kehalani Parkway for about 5 to 10 minutes.

Potential Impacts and Proposed Mitigation Measures

Traffic projections for the Base Year 2024, when the proposed project is anticipated to be completed, were determined based on existing traffic counts, the Maui Regional Travel Demand Model growth forecast for years of 2024 and 2035, and nearby developments in the immediate vicinity of the project. The growth rate was determined to be approximately 1.9 percent per year. Future developments accounted for expected to be built by 2024 are as follows:

- Waikapu Light Industrial (8.5-acre industrial development along Waiko Road)
- Waiale Business Park (formerly known as Waiko Light Industrial Subdivision, 102,414 square feet (sq. ft.) of commercial space and 215,195 sq. ft. of light industrial uses)
- Emmanuel Lutheran Pre-School (build out to include K-8 school with church/office buildings)
- Maui Lani Village Center (Infill anticipated of 19,700 sq. ft. commercial, 62,400 sq. ft. office, and 75,500 sq. ft. warehouse space)
- Kehalani Village Center (infill development of the existing retail center plus 56 multi-family dwelling units)
- Waiale Elua (70 single-family units with neighborhood park)
- Kehalani Mauka (Expansion of existing residential subdivision with 304 single-family plus 54 multi-family units)
- Waikapu Country Town (150 single-family units)
- Waikapu Ventures Affordable Housing (68 single-family plus 12 multi-family units)
- Heritage at Maui Lani (25 single-family units)
- Wailuku Apartment (324 multi-family units)
- Maui Lani Parkways Phase 3 (74 single-family units)
- Ag Subdivision Lots (5-ag lots proposed)
- Gentry (Maui Lani Ph. 8B and 8C) (291 single-family units)
- Pu'unani Homestead (161 single-family units)

Also, the Maui Lani Parkway/Kamehameha Avenue intersection was converted to a single-lane roundabout by the County in July 2020 and is included in the Base Year 2024 analysis. Some future planned roadway projects like the Waiale Road Extension and Waiko Road Improvements projects are not likely to be built by Year 2024 and were not included in the analysis.

The County's planned installation of a roundabout at the Waiale Road/ Wai'inu Road intersection, which will help the flow of traffic, is accounted for in the analysis.

Also, at various stages of occupancy of the Wailuku Apartments project, the signal timing at the Waiale Road/Ku'ikahi Drive intersection will be optimized. The signalization timing was a traffic mitigation measure for the Wailuku Apartments project.

The planned Maui Lani Parkway Extension anticipated to connect the existing Maui Lani Parkway and extend northward to intersect with Wai'inu Road where Maui Lani Parkway and Pu'umele Street exist, will provide an alternate route into Kahului from Wailuku to alleviate traffic congestion along Waiale Road. Although the completion of this road is unknown, Base Year conditions were analyzed with and without the Maui Lani Parkway Extension.

For the Base Year 2024 analysis, with additional traffic generated by nearby developments plus defacto growth, LOS and turning movements at the various intersections studied throughout the network will worsen. If the Maui Lani Parkway Extension is built, a large portion of traffic is anticipated to be rerouted away from Waiale Road to mitigate much of the impacts from growth and background developments. The roundabout at Kamehameha Avenue/Maui Lani Parkway is anticipated to have all movements operate at LOS D or better for both peak hours except the southbound approach anticipated to operate at LOS E during the PM peak hour, below capacity.

The Waiale Road/Kaohu Street intersection movements on the Waiale Road approaches will continue to operate at LOS F and overcapacity as existing. Although signal warrants are met at this intersection, physical right-of-way and alignment constraints make it difficult to signalize.

The Waiale Road/Wai'inu Road will experience similar conditions as Waiale Road/Kaohu Street. Once implemented, the Maui Lani Parkway Extension would improve the LOS E and below capacity conditions at the Waiale Road/Wai'inu Road intersection.

Signal warrants are met for existing conditions at the Waiale Road/Olomea Street intersection, although not planned at this time. Therefore, the intersection will continue to operate with over capacity conditions. Median refuge lanes may help to reduce delays for left turns out of Olomea Street. The Maui Lani Parkway Extension is again anticipated to reduce traffic along Waiale Road to generally improve operations at the Waiale Road/Olomea Street intersection.

At Waiale Road/East Waiko Road, a signal is anticipated if no provisions are made to provide separate left and right turn lanes on the Waiale Road approach.

With the Wailuku Apartments driveway added across the Ku'ikahi Drive/Kehalani Village Center intersection, it is anticipated to operate at LOS F in both peak hours. However, a signal warrant was not met with projected Base Year volumes.

The Honoapi'ilani Highway/Kehalani Parkway intersection will operate at LOS E conditions compared to its existing LOS D or better and continue to experience the

30 minutes of queueing attributed to the Pu'u Kukui Elementary School morning traffic.

Finally, for the Honoapi'ilani Highway/Ku'ikahi Drive intersection, the eastbound approach and southbound left turns are anticipated to operate at LOS E and below capacity. However, overall the intersection will operate adequately at LOS D or better during both peak hours.

At Future Year 2024, the proposed project traffic generated is approximately 87 and 106 new trips during the AM and PM peak hours, respectively. All study intersections are generally forecasted to operate at similar LOS to Base Year 2024 conditions. The project's anticipated impact to Honoapi'ilani Highway is 5 to 18 vehicles per peak direction and 3 to 12 vehicles along Waiale Road. At both of the proposed project driveways off of Ku'ikahi Drive, all movements are anticipated to operate at LOS B or better during both peak hours. The project anticipates inclusion of a mini roundabout at the main entrance to the project across Kehalani Mauka Parkway/Ku'ikahi Drive provided that all design criteria can be met during the design phase of the project.

The TIAR provided the following recommendations to address Base Year 2024 conditions without the proposed project, which includes various Waiale Road Corridor improvements such as:

- Consider various traffic control treatment option at Waiale Road/Kaohu Street intersection that may fit within the constraints of the site.
- Inclusion of median refuge lanes at unsignalized intersections with Waiale Road to ease entry of left turns onto Waiale Road.
- At the Waiale Road/Ku'ikahi Drive intersection, lengthen the southbound left Turn lane by shortening the existing northbound left turn into Waimaluhia Lane. Signal timing should be continually optimized with new developments.

The TIAR provided the Future Year 2024 recommendations for mitigation with the proposed project:

- At the Waiale Road/Ku'ikahi Drive intersection, optimize signal timing.
- At the proposed Ku'ikahi Drive/Kehalani Mauka Parkway/Proposed Project Access intersection, consider a mini-roundabout when Kehalani Mauka Parkway fully opens to through traffic. Future design of the roundabout shall provide adequate horizontal and vertical sight distance on all approaches while maintaining an acceptable grade coupled with enforcement of speeds along the relatively steep Ku'ikahi Drive approaches.

The TIAR concluded that with the two mitigation measures noted above, the proposed project is not anticipated to have a significant impact on traffic in the area.

5. **Electrical, Telephone, Cable** – There are existing underground electrical, telephone, and cable transmission lines provided by Hawaiian Electric Company, Ltd, Hawaiian Telcom, and Spectrum Cable, respectively, along Ku'ikahi Drive adjacent to the project site.

Hawaiian Electric Company, Hawaiian Telcom, and Spectrum Cable (formerly Oceanic Time Warner) will be able to provide electrical, telephone, and cable television services, respectively, for the proposed project. The proposed electrical, telephone, and cable TV distribution systems to the project site will be serviced from the existing facilities within Ku'ikahi Drive. Within the project, underground utility lines will provide electrical, telephone, and cable television services.

Coordination with the above-mentioned utility service providers will continue to ensure that systems planning and design can be programmed consistent with the project development schedule.

6. **Parks and Recreational Facilities** – Within the Wailuku-Kahului Community Plan Region, there are many recreational activities, including shoreline and boating activities at the Kahului Harbor and adjoining beach parks, and organized recreational activities provided/offered at various County Parks. Within close proximity of the project site is Waikapū Park and Community Center. In Wailuku town are Wells Park, the Wailuku Elementary School Park, the 'Īao Valley State Park, the Kehalani Mauka Park, the Velma McWayne Santos Community Center, Papohaku Park, War Memorial Athletic complex, Wailuku Little League baseball fields, the 65-acre Maui Regional Park, Maui Lani Parkway Park, Sakamoto Swimming Pool, and Keōpūolani Regional Park.

In addition, there are several golf courses in the Wailuku-Kahului region. These include the Kahili and Kamehameha Golf Courses, The Dunes at Maui Lani Golf Course, and the Maui County-owned Waiehu Golf Course.

The proposed project entails the development of a new affordable housing development in Wailuku. The proposed development will not only include residences, but also a playground, pavilion and “spot parks” for use by future residents. The “spot parks” will be approximately 700 to 1,500 sq. ft. in size, while the pavilion will be approximately 400 sq. ft. and the playground will be 3,800 sq. ft. Additionally, a pedestrian and bike path is proposed within the development which would connect to Ku'ikahi Drive. It is anticipated that many residents would relocate from other areas on Maui. As such, adverse impacts to recreational resources are not anticipated.

It is noted that residential subdivisions in the County of Maui are required to dedicate land for park/playground purposes, improvements to a park in the same community plan area, or payment of an in-lieu fee to the County. The project is intending to request that the proposed recreational improvements meet the park assessment requirements through the MCC Chapter 2.97 application process.

7. **Schools** – The State Department of Education (DOE) operates several schools in the Wailuku-Kahului region. Public school facilities within the Wailuku-Kahului District area include: two high schools, Henry Perrine Baldwin High and Maui High (grades 9 to 12); two intermediate schools, Iao Intermediate and Maui Waena Intermediate School (grades 6 to 8); and six elementary schools (Grades Kindergarten to 5), Wailuku Elementary, Waihe'e Elementary, Pōmaika'i Elementary, Kahului Elementary, Lihikai Elementary, and Pu'u Kukui Elementary School.

The area is also served by several privately-operated schools providing education for elementary, intermediate, and high school students. Privately operated schools serving the Wailuku-Kahului region include St. Anthony School (grades K to 12), Ka'ahumanu Hou

Christian School (grades K to 12), Emmanuel Lutheran School (K to 6), and Maui Adventist School (grades 1 to 8).

The following is a table of the DOE's 2020 to 2021 school enrollment for their Central Maui Schools.

School	Enrollment
Baldwin High School	1,299
Iao Intermediate School	889
Kahului Elementary School	901
Lihikai Elementary School	816
Maui High School	2,100
Maui Waena Intermediate School	1,100
Pōmaikai Elementary School	565
Pu'u Kukui Elementary School	735
Waihe'e Elementary School	601
Wailuku Elementary School	626

The proposed project entails the development of 202 affordable housing units in Wailuku. It is understood that the DOE's elementary, intermediate, and high schools servicing the project area are over capacity. The Developer will collaborate with the DOE on redistricting strategies and assisting in advancing plans to develop new schools and expanding existing schools for previous proposed large developments in the region.

The proposed project is located in the DOE's Central Maui Impact Fee District. The State law on school impact fees, Chapter 302-A, Hawai'i Revised Statutes (HRS), requires the execution of an Education Contribution Agreement (ECA) with the DOE prior to any approvals of subdivision or building permits. As such, the Developer is prepared to pay for prescribed impact fees and plans to meet with the DOE to discuss execution of an ECA. Impacts on school facilities will be mitigated with payment of the impact fees.

8. **Solid Waste** – Single-family residential solid waste collection service in Wailuku is provided by the County of Maui on a bi-weekly basis. Residential solid waste collected by County crews are disposed of at the County's Central Maui Landfill, located 4.0 miles southeast of the Kahului Airport. In addition to County-collected refuse, the Central Maui Landfill accepts commercial waste from private collection companies. A privately operated greenwaste recycling facility, Maui Earth Compost Company, is situated at Pulehu Road and Hansen Road. Eko Compost is operated at the Central Maui Landfill. According to the County of Maui, the Central Maui Landfill has adequate capacity to accommodate residential and commercial waste needs through the year 2026. The County's Department of Environmental Management is currently planning to implement a processing facilities project adjacent to the landfill which would further extend the projected capacity by an estimated 16 years. The remaining capacity estimate is based on future disposal volumes that assume significant population growth.

Construction-related waste will be properly disposed of in accordance with the policies and

practices established by the Solid Waste Division to ensure that there are no adverse impacts to the Central Maui Landfill.

Upon completion, it is anticipated that the residences will be served by a private refuse collection service. Refuse from the project site will be disposed of at the County's Central Maui Landfill. As such, there are no adverse impacts anticipated to the County's solid waste capacities attributed to the proposed project.

9. **Public Services** – Police protection for the Wailuku-Kahului region is provided by the Maui Police Department located at the Wailuku Station headquartered on Mahalani Street, approximately two miles northeast of the project site. The Maui Police Department provides investigative services, uniform patrol services, technical support, and traffic services as stated in its mission to protect the residents of Maui County.

Fire prevention, protection, rescue, and emergency services for the Wailuku-Kahului region are provided by the Maui County Department of Fire and Public Safety. The department has two stations to service the Wailuku-Kahului region. The Wailuku station is located in Wailuku town approximately 1.5 miles northeast of the project site and the Kahului station is located on Dairy Road in Kahului approximately three miles southeast of the project site.

Maui Memorial Medical Center is managed by Kaiser Permanente and is the only major medical facility on the island. Acute, general, and emergency care services are provided by the 214-bed Maui Memorial Medical Center facility located on Mahalani Street, Wailuku, about two miles east of the project site.

In addition, Kaiser, Maui Medical Group, and Maui Medical Clinic provide health care for the island of Maui. These facilities are located in Wailuku and Kahului. Dental and other medical offices are also located within the Wailuku-Kahului region to serve its residents and visitors. No adverse impact to public services will occur as a result of the proposed project.

SOCIO ECONOMIC IMPACTS

Population

According to the 2020 U.S. Census, the population of Maui County was 164,754; an increase of 6.4 percent since 2010, when the County had a population of 154,834 (U.S. Census Bureau, 2020). It is noted however, that population growth over the past decade has been uneven, with stronger growth in the early part of the decade. The U.S. Census Bureau's annual population estimates data indicates that Maui County population grew steadily between 2010 and 2014, when annual population growth rates ranged from 1.2 percent to 1.3 percent. The estimated population in 2014 was 163,036. The 2020 U.S. Census resident count for Maui County is actually lower than the Census Bureau's previous population estimates for 2016 to 2019 (U.S. Census Bureau, 2019).

The State of Hawai'i, Department of Business Economic Development and Tourism (DBEDT) publishes population projections through 2045. According to the latest forecast, which was published in 2018, Maui County's population is expected to grow to 211,500 by 2045 (State of Hawai'i, DBEDT, 2018).

The proposed project involves developing needed affordable housing units for Maui families earning between 60 percent and up to 140 percent of the AMI. In the context of the County of Maui's population projections through the year 2030, the proposed project is not anticipated to significantly alter population trends. The proposed project is not anticipated to result in adverse

impacts on the region's or island's population parameters.

Economy

The economy of Maui is heavily dependent upon the visitor industry. Many of the hotel and resort amenities are in South Maui and West Maui, with non-resort, smaller hotels located in Central Maui. The economy of the Wailuku region is anchored by government services, with County and State offices occupying the civic center portion of town, near the High Street-Main Street intersection. With access to government offices, professional services such as engineering, architectural, and accounting offices are located nearby.

The proposed project will provide short-term construction-related employment and services. From a long-term perspective, the project will provide much-needed affordable housing in close proximity to the Wailuku Town area. The proposed housing will serve households seeking primary residence and will not be for second home or transient populations. Affordable housing reduces the portion of incomes residents must pay for rent, providing them with more disposable income. Significant adverse economic impacts are not anticipated.

Housing

The County of Maui 2030 General Plan – Countywide Policy Plan notes that “shelter is among the most basic of human needs”. The affordability, quality, and location of housing – including the degree of crowding within the home and within the neighborhood – play an enormous role in the quality of life of Maui County's residents.

According to the Hawaii Housing Planning Study, 2016, a significant number of Maui households live in overcrowded conditions or are “doubled-up” with other families. According to the report, crowding continues to be a problem in the housing market and in 2016 affected 21.4 percent of households in Maui County.

The population growth factors related to housing demand include total population, households, and household size. The study reported that between 2010 and 2015, the total population increased by 19.3 percent, number of households by 12.5 percent and average household size by 5.8 percent. The data is consistent with a housing market where demand is greater than supply.

The proposed project will provide 202 affordable housing units to families earning between 60 percent and up to 140 percent of the AMI, filling a critical need for affordable housing in Maui County. The proposed project is located in close proximity to jobs, schools, and other public and commercial services.

ENVIRONMENTAL IMPACTS

There will be short term noise and air quality impacts during the construction phases of the project. However, all construction-related impacts will be temporary and mitigated through implementation of appropriate BMPs, such as the use of sound attenuating construction equipment where practicable to mitigate construction noise impacts. The proposed project is not anticipated to create any significant long-term adverse environmental effects.

The proposed project is not anticipated to negatively impact public view corridors and is not anticipated to produce significant adverse impact upon the visual character of the site and its immediate environment.

In addition, the project was subject to the Chapter 343, HRS process. A Draft Environmental Assessment prepared for this project in October 2021 and reviewed by the Urban Design Review Board (UDRB) on November 2, 2021, and the Maui Planning Commission (MPC) on November 25, 2021. A comment letter incorporated comments from the UDRB, MPC, and Planning Department was provided on December 7, 2021 (**Exhibit 17**).

A Final Environmental Assessment was submitted to the State of Hawaii Office of Planning and Sustainable Development's Environmental Review Program, and included in their May 23, 2022 Environmental Notice. The project received a Finding of No Significant Impact (FONSI) determination.

OTHER GOVERNMENTAL APPROVALS

Grading and building permits will be required prior to construction. A noise permit and NPDES permit shall be required as applicable. It should be noted that the Developer has received various exemptions from the Maui County Code. The exemptions are listed in "Exhibit A" of Resolution 22-193, attached to this Report as "**Exhibit 2**".

TESTIMONY

As of October 17, 2022, the Department has not received any testimony of this item.

ALTERNATIVES

1. *Deferral:* The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. *Approval without Conditions:* The Commission may take action to recommend approval of the request without conditions.
3. *Approval with Conditions:* The Commission may take action to recommend approval of the request with conditions.
4. *Denial:* The Commission may take action to recommend denial of the request.

CONCLUSIONS OF LAW

The application complies with the applicable standards for a State Land Use District Boundary Amendment as found in Chapter 19.68 of the Maui County Code.

RECOMMENDATION

The Maui County Planning Department (Department) recommends that the Commission recommend approval of the State Land Use District Boundary Amendment subject to the following conditions:

1. That the property be developed as a 100% residential workforce housing project in accordance with the 2.97 Resolution.

2. That the property shall be developed in substantial compliance with the representations made to the Maui Planning Commission and Maui County Council in obtaining the 2.97 Resolution and the State District Boundary Amendment.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the November 7, 2022, meeting as its Findings of Fact, Conclusions of Law, Decision and Order and authorize the Director of Planning to transmit said Decision and Order on behalf of the Planning Commission.

APPROVED:



Michele McLean, AICP
Planning Director

Resolution

No. 22-217

REFERRING TO THE MAUI PLANNING
COMMISSION BILL 127 (2022), AMENDING THE
STATE LAND USE DISTRICT CLASSIFICATION
FROM AGRICULTURAL DISTRICT TO URBAN
DISTRICT (CONDITIONAL BOUNDARY
AMENDMENT) FOR THE PROPOSED KUIKAHI
VILLAGE WORKFORCE HOUSING PROJECT IN
WAILUKU, MAUI, HAWAII

WHEREAS, the Council is considering Bill 127 (2022), to amend the State Land Use District Classification from Agricultural District to Urban District (Conditional Boundary Amendment) for the proposed Kuikahi Village Workforce Housing Project on 14.97 acres in Wailuku, Maui, Hawai'i; and

WHEREAS, Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui, as amended, require that the appropriate planning commissions review proposed land use ordinances and provide findings and recommendations to the Council; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it refers Bill 127 (2022), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 3-5-002:003 (POR.), CONTAINING A TOTAL OF 14.97 ACRES," attached as Exhibit "1," to the Maui Planning Commission for findings and recommendations under Sections 8-8.4 and 8-8.6 of the Revised Charter of the County of Maui (1983), as amended; and
2. That it respectfully requests that the Maui Planning Commission transmit its findings and recommendations to the Council as expeditiously as possible; and

Exhibit "1"

Resolution No. 22-217

3. That certified copies of this Resolution be transmitted to the Maui Planning Commission; Michele Chouteau McLean, AICP, Planning Director, County of Maui; and the Honorable Michael P. Victorino, Mayor, County of Maui

ah:misc:036areso01:pmg

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'Gabe Johnson', written over a horizontal line.

GABE JOHNSON

ORDINANCE NO. _____

BILL NO. 127 (2022)

A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 3-5-002:003 (POR.), CONTAINING A TOTAL OF 14.97 ACRES


BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Section 205-3.1, Hawaii Revised Statutes, and Chapter 19.68, Maui County Code, the State Land Use District Classification is reclassified from the Agricultural District to the Urban District (Conditional Boundary Amendment) for that certain land situated at Wailuku, Maui, Hawaii, and identified for real property tax purposes by Tax Map Key Nos. (2) 3-5-002:003 (por.), containing a total of 14.97 acres, and more particularly described in Exhibit "A" attached hereto and made a part hereof, and in the proposed District Boundary Amendment Map, attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. Pursuant to Section 19.68.040, Maui County Code, the State Land Use District classification granted by this ordinance is subject to the conditions set forth in Exhibit "C", attached hereto and made a part hereof, and in the Unilateral Agreement and Declaration of Conditions for State Land Use District Boundary Amendment, attached hereto and made a part hereof as Exhibit "D", which shall be executed and recorded in the Bureau of Conveyances of the State of Hawaii.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



Deputy Corporation Counsel

County of Maui

2019-2060

2020-07-08 Ordinance DBA

EXHIBIT "1"

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.

Exhibit "A"

A PORTION OF LOT 4-A

Of the Wailuku Heights Subdivision
(Subdivision No. 3.2099)

Being portion(s) of the land(s) described in and covered by Royal Patent Grant Number 2007, Apana 3 to J. Richardson, Royal Patent Number 5926, Land Commission Award Number 8875 to Kanalna, Royal Patent Number 2004, Land Commission Award Number 920, Apana 2 to John Richardson & Co., Royal Patent Grant Number 2070 to John Richardson, Royal Patent Number 7659, Land Commission Award Number 326 to William Humphreys, and Royal Patent Number 4529-B and 4549, Land Commission Award Number 71 to Michael J. Nowlein

at
Wailuku & Waikapu, Maui, Hawaii

Beginning at the Northwestern corner of this parcel. Also, being the Northeastern corner of being Lot 4-B, Of the Wailuku Heights Subdivision (Subdivision No. 3.2099), being a portion of Royal Patent 7659, Land Commission Award 326, to W. M. Humphreys. The coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 4,873.58 feet South and 5,269.27 feet West and running by azimuths measured clockwise from true South:

1. Thence along a curve to the left with a radius of 1065.74 feet, the direct azimuth and distance being:

250° 22' 59.5" 935.49 feet along Kuikahi Drive;
2. 224° 21' 199.91feet along the same;
3. 4° 20' 10.00 feet along a portion of Lot 4-A, being a portion of Land Commission Award Number 71 to Michael J. Nowlein;
4. Thence along a curve to the left with a radius of 50.00 feet, the direct azimuth and distance being:

339° 40' 41.73 feet along the same;
5. 315° 00' 91.86 feet along the same;

6. Thence along a curve to the right with a radius of 200.00 feet, the direct azimuth and distance being:

0° 15' 284.07 feet along a portion of Lot 4-A, being a portion of Land Commission Award Number 71 to Michael J. Nowlein and a portion of Royal Patent Number 7659, Land Commission Award Number 326 to William Humphreys;

7. 45°30' 3.28 feet along a portion of Lot 4-A, being a portion of Royal Patent Number 7659, Land Commission Award Number 326 to William Humphreys;

8. Thence along a curve to the left with a radius of 190.00 feet, the direct azimuth and distance being:

22° 38' 47" 147.58 feet along the same;

9. Thence along a curve to the right with a radius of 50.00 feet, the direct azimuth and distance being:

29° 27' 01" 49.48 feet along the same;

10. Thence along a curve to the left with a radius of 148.00 feet, the direct azimuth and distance being:

10° 32' 44" 221.90 feet along the same;

11. 51° 59' 38.17 feet along the same;

12. 14° 30' 94.56 feet along the same;

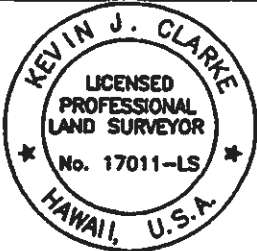
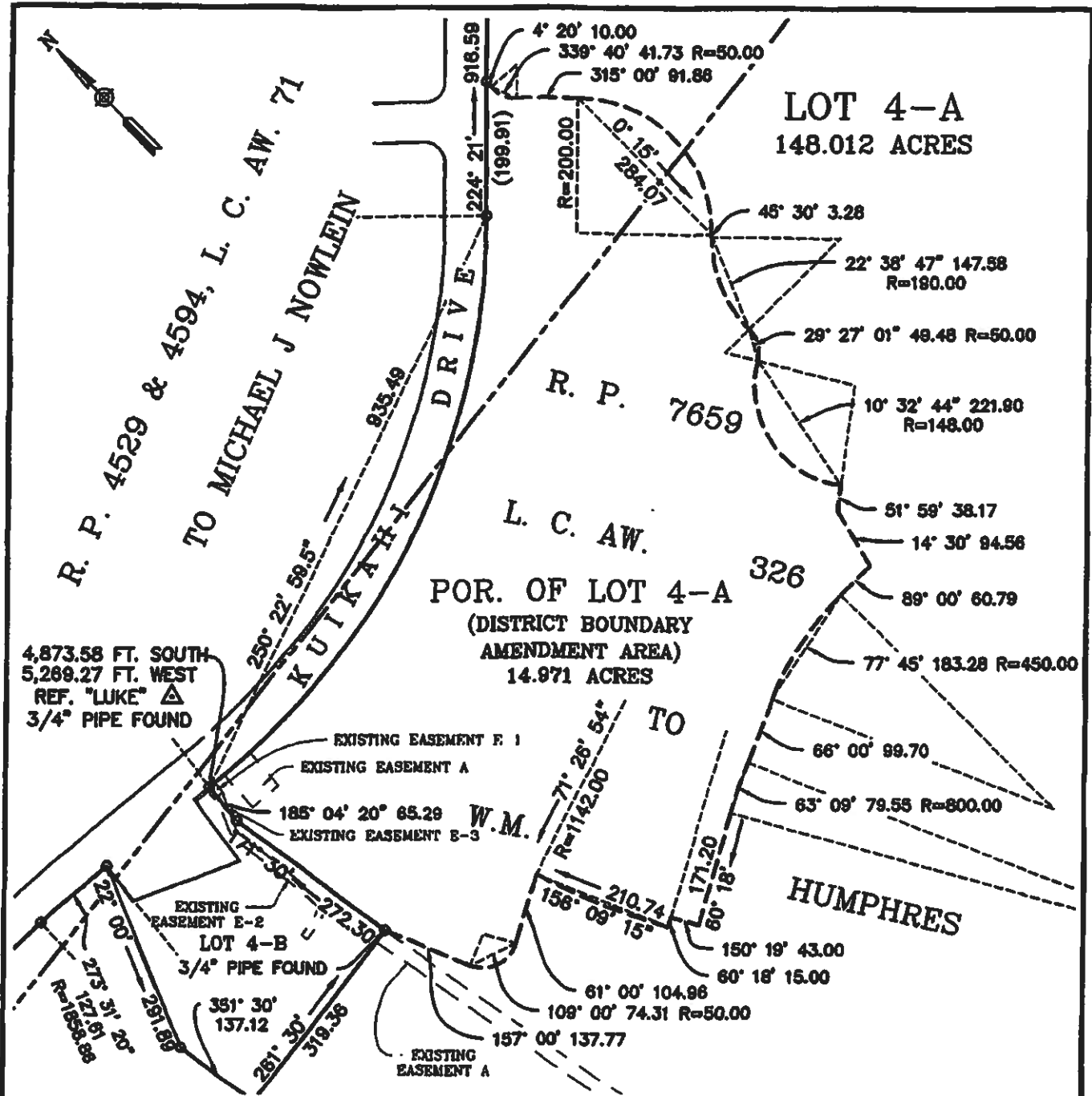
13. 89°00' 60.79 feet along the same;

14. Thence along a curve to the left with a radius of 450.00 feet, the direct azimuth and distance being:

77° 45' 183.28 feet along the same;

15. 66°00' 99.70 feet along the same;
16. Thence along a curve to the left with a radius of 800.00 feet, the direct azimuth and distance being:
63° 09' 79.55 feet along the same;
17. 60° 18' 171.20 feet along the same;
18. 150°19' 43.00 feet along the same;
19. 60° 18' 15.00 feet along the same;
20. Thence along a curve to the right with a radius of 1142.00 feet, the direct azimuth and distance being:
156° 09' 15" 210.74 feet along the same;
21. 61°00' 104.96 feet along the same;
22. Thence along a curve to the right with a radius of 50.00 feet, the direct azimuth and distance being:
109° 00' 74.31 feet along the same;
23. 157° 00' 137.77 feet along the same;
24. 171° 30' 272.30 feet along Lot 4-B, Of the Wailuku Heights Subdivision (Subdivision No. 3.2099), being a portion of Royal Patent 7659, Land Commission Award 326, to W. M. Humphreys;
25. 185° 04' 20" 65.29 feet along the same to the point of beginning and containing an area of 14.971 acres more or less;

Exhibit "B"



EXP. 04/2024

THIS PLAT WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION.

T.M.K.: (2) 3-5-002: 003

LOT SURVEY PLAT A PORTION OF LOT 4-A OF THE WAILUKU HEIGHTS SUBDIVISION (SUBDIVISION NO. 3.2099)

SITUATED AT WAIKAPU & WAILUKU, MAUI, HAWAII

PREPARED FOR:

WAIHEE VALLEY
REGENESIS LLC
191 WAIHEE VALLEY ROAD
WAILUKU, HI, 96793

PREPARED BY:

CLARKES LAND SURVEYING
PO BOX 632423
KIHU, MAUI, HAWAII 96753

SCALE: 1" = 20'

DATE: AUGUST 8, 2022

EXHIBIT "C"

CONDITIONS

1. This ordinance is conditional upon the Council's passage of a Resolution approving, with or without modifications, the independent development of Kuikahi Village Residential Workforce Housing project pursuant to Chapter 2.97, Maui County Code (the "2.97 Resolution").

2. The Property shall be developed as a 100% residential workforce housing project in accordance with the 2.97 Resolution.

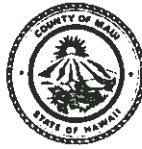
3. The Property shall be developed in substantial compliance with the representations made to the Maui County Council in obtaining the 2.97 Resolution and the State District Boundary Amendment.

EXHIBIT "D"

[Unilateral Agreement and Declaration of Conditions]

KATHY L. KAOHU
County Clerk

JAMES G.M. KRUEGER
Deputy County Clerk



RECEIVED

'22 OCT 11 PM 3:16 OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

OFFICE OF THE MAYOR

October 11, 2022

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 10/12/22
Mayor Date

For transmittal to:

Ms. Michele McLean
Planning Director
County of Maui
Wailuku, Hawaii 96793

Dear Ms. McLean:

Transmitted herewith is a certified copy of Resolution No. 22-193, CD1, FD1, which was adopted by the Council of the County of Maui, State of Hawaii, on October 7, 2022. Also attached is a copy of Committee Report No. 22-97.

Respectfully,

Kathy L. KaoHu
KATHY L. KAOHU
County Clerk

/lks

Enclosure

Exhibit "2"

Resolution

No. 22-193, CD1, FD1

APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE

WHEREAS, Kuikahi Properties, LLC, proposes the development of the workforce housing project known as the Kuikahi Village Workforce Housing Project ("Project") on 14.97 acres of land located in Wailuku, Maui, Hawai'i, identified for real property tax purposes as Tax Map Key (2) 3-5-002:003 (por.); and

WHEREAS, the proposed Project is a 100 percent workforce housing project, consisting of 202 for-sale multi-family, duplex, townhome, live-work, studio, and single-family units; and

WHEREAS, all units will be marketed to households earning between 51 and 140 percent of the area median income, as established by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Project will provide needed residential workforce housing to meet the current and growing demand for housing in Maui County; and

WHEREAS, the Project is being independently developed under Chapter 2.97, Maui County Code; and

WHEREAS, under Chapter 2.97, the Council of the County of Maui ("Council") may approve certain exemptions for the Project, and the requested exemption list is attached as Exhibit "A"; and

WHEREAS, under Section 2.97.170, Maui County Code, the Council must approve, approve with modifications, or disapprove the Project by resolution within sixty days after the Department of Housing and Human Concerns has submitted the preliminary plans and specifications for the Project to the Council, which occurred on August 15, 2022; and

WHEREAS, under Section 4-1 of the Revised Charter of the County of Maui (1983), as amended, the Council is authorized to act by resolution; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That based on the transmittals and representations of the Department of Housing and Human Concerns and Kuikahi Properties LLC, the Council approves the Project with the modifications specified in Exhibit "B," including the Project's

Resolution No. 22-193, CD1, FD1

preliminary plans and specifications as submitted to the Council on August 15, 2022, and supplemented on September 9, 2022, under Chapter 2.97, Maui County Code; except that Kuikahi Properties, LLC, must comply with all statutes, ordinances, charter provisions, and rules of governmental agencies relating to planning, zoning and construction standards for subdivisions, development and improvement of land, and the construction of units, unless exempted as specified in Exhibit "A";

2. The Project's final plans and specifications will be approved by the Council if the final plans and specifications do not substantially deviate, as determined by the Director of Housing and Human Concerns, from the preliminary plans and specifications submitted to the Council;
3. Any substantial deviation from the preliminary plans and specifications must be submitted to the Council for prior approval;
4. The Project's final plans and specifications constitute the zoning, building, construction, and subdivision standards for the Project;
5. In the event of any conflict between the plans and specifications of the Project and this Resolution, the terms of this Resolution and any exhibits will control; and
6. That certified copies of this Resolution be transmitted to the Director of Public Works, the Planning Director, the Director of Housing and Human Concerns, and Kuikahi Properties, LLC.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

paf:pmg:22-252b

Resolution No. 22-193, CD1, FD1

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Rhee", written over a horizontal line.

Upon the request of the Mayor.

EXHIBIT "A"

KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT

All title, chapter, section, and subsection references are to the Maui County Code. The following exemptions are approved for the Kuikahi Village Workforce Housing Project:

1. EXEMPTIONS

A. Partial exemption from Section 2.97.160, "Timing of completion":

A partial exemption from Section 2.97.160 is granted to clarify that bonding to ensure construction completion is in the form of a material bond.

B. Partial exemption from Chapter 2.80B, "General Plan and Community Plans":

A partial exemption from Chapter 2.80B is granted to permit the Project to proceed without obtaining a community plan amendment.

C. Exemption from Section 8.04.050, "Disposal charges":

An exemption from Section 8.04.050 is granted to exempt the Project from disposal fees during construction.

D. Exemption from Section 12.04.025(A), "Permit fee":

An exemption from Section 12.04.025(A) is granted to exempt the Project from fees for the approval of a County highways permit to construct improvements and install off-site utilities on Kuikahi Drive.

E. Partial exemption from Chapter 12.24A, "Landscape Planting and Beautification":

A partial exemption from Chapter 12.24A is granted to exempt the landscape plan from Arborist Committee review and the preparation and processing of a Landscape Planting Plan application. Landscaping will follow Chapter 12.24A in accordance with the Conceptual Landscape Plan attached as Exhibit "1."

F. Exemption from Section 12.24A.070(D), “Street trees; Subdivisions”:

An exemption from Section 12.24A.070(D) is granted to allow consistency with Chapter 18.20. Landscaping will follow Chapter 12.24A in accordance with the Conceptual Landscape Plan attached as Exhibit “1.”

G. Exemption from Section 14.07.030, “Water system development fee schedule”:

An exemption from Section 14.07.030 is granted to exempt the Project from water system development fees.

H. Exemption from Section 14.10.040, “Temporary meter charges,” and Section 14.06A.060(B)(3), “Stages of water shortage”:

An exemption from Section 14.10.040 is granted to exempt the Project from fees for a temporary construction water meter. An exemption from Section 14.06A.060(B)(3) is granted to exempt the Project from restrictions on water use of the temporary meter during Project construction.

I. Partial exemption from Chapter 16.04C, “Fire Code”:

A partial exemption from Chapter 16.04C is granted to exempt the Project from Fire Code fees.

J. Partial exemption from Section 18.16.020, “Compliance”:

A partial exemption from Section 18.16.020 is granted to exempt the Project from the need to obtain a change in zoning or community plan amendment to enable subdivision approval; allow for the Project to be developed to the standards outlined in this Exemptions list; and allow for flexible design standards for the proposed roundabout on Kuikahi Drive at the Kehalani Mauka Parkway intersection.

K. Exemptions from Sections 18.16.050, “Minimum right-of-way and pavement widths,” and 18.16.060, “Widening of existing rights-of-way”:

Exemptions from Sections 18.16.050 and 18.16.060 are granted for the Project’s internal roadways. The Project’s internal roadways will have a 20-foot-wide right-of-way.

L. Exemption from Section 18.04.030, “Administration”:

An exemption from Section 18.04.030 is granted to exempt the Project from the need to obtain a change in zoning or community plan amendment

to enable subdivision approval and allow for the Project to be developed to the standards outlined in this Exemptions list.

M. Exemption from Section 18.20.080, “Curbs and gutters”:

An exemption from Section 18.20.080 is granted to allow grass swales within the Project instead of curbs and gutters.

N. Partial exemptions from Titles 14, “Public Services,” 16, “Buildings and Construction,” and 18, “Subdivisions”:

Partial exemptions from Titles 14, 16, and 18 are granted to authorize the Director of Public Works to defer various subdivision requirements or limitations, or both; approve the initial subdivision application for the parcel identified as TMK (2)3-5-002:003, 148.01 acres (“Original Parcel”); and create a 14.97-acre site for the Project.

The Developer represented that no new or additional water service will be required or requested for the purposes of the initial subdivision. Therefore, the initial two-lot subdivision is determined to be exempt from Chapter 14.12.

Additionally, the two-lot subdivision is granted a deferral of subdivision requirements from Chapter 14.05 and Section 16.04C.470 - Subsection 18.4.6 until the parcels are developed, further subdivided, or water service is requested.

When the Project site is developed, further subdivided, or water service is requested, the Developer, or its successor, must comply with the subdivision requirements only applicable to the Project site. When the remaining 133.04-acre parcel of the Original Parcel is developed, further subdivided, or water service is requested, the Developer, or its successor, must comply with the subdivision requirements only applicable to the 133.04-acre parcel.

O. Partial exemptions from Section 19.04.050, “Fees,” and Section 19.510.010(B), “General application procedures; Fees”:

Partial exemptions from Section 19.04.050 and Section 19.510.010(B) are granted to exempt the Project from building permit resubmittal fees.

P. Exemption from Chapter 19.30A, “Agricultural District”:

An exemption from Chapter 19.30A is granted for the Project site.

The following development standards will be utilized for the Project:

Permitted principal uses: single-family dwellings, multi-family dwellings, parks amenities such as pavilions, gazebos, playgrounds and play courts, and home-based businesses, as defined by Chapter 19.67.

Permitted accessory uses: carports, private garages, small-scale energy systems, fences and walls, and storage sheds.

Minimum lot size:

Dwellings: 4,500 square feet

Parks: 1,250 square feet

Building height as measured from natural or finished grade, whichever is lower:

Dwellings: The maximum building height is limited to three stories and 42 feet.

Park structures: The maximum building height is limited to two stories and 30 feet.

Retaining walls: Retaining walls may not exceed eight feet in height.

Fences and other walls: Fences and other walls may not exceed six feet in height.

Setbacks:

Single-story dwellings up to 15 feet in height: Front: 15 feet;
Side and rear: six feet.

Two- and three-story dwellings above 15 feet in height: Front: 15 feet;
Side and rear: 10 feet.

Parks structures: 0 feet.

Q. Partial exemption from Section 19.36B.080, “Landscaping”:

A partial exemption from Section 19.36B.080 is granted to allow for flexibility in the location of landscaping and to exempt the Project from submitting a Landscape Planting Plan application. The Project will provide the required number of shade trees and will otherwise comply with Section 19.36B.080 in effect at the time of Project application to the Council. Refer to Exhibit “1.”

R. Exemption from Chapter 19.510, “Applications and Procedures”:

An exemption from Chapter 19.510 is granted to enable the District Boundary Amendment to proceed directly to the Council for referral to the Maui Planning Commission for review as required under Section 8-8.4 of the Revised Charter of the County of Maui (1983), as amended.

2. WAIVERS

Under Section 2.97.150, the project is granted waivers of the following fees:

- A. Driveway permit fee under Section 12.08.050(D).
- B. Wastewater assessment fees for facility expansion for the Wailuku-Kahului regional wastewater treatment system under Section 14.35.080(B).
- C. Impact fees for traffic and roadway improvements in Wailuku-Kahului, Maui, Hawaii under Section 14.76.120(A)(6).
- D. Grubbing and grading permit fees under Section 20.08.090(D).
- E. Plumbing permit fees under Section 16.20B.103.4.1.3.
- F. Electrical permit fees under Section 16.18B.107-1(C).
- G. Building permit fees under Section 16.26B.108.2(2).
- H. Park dedication and assessment fees under Section 18.16.320(I)(5).

3. FEE REIMBURSEMENT

For any fee waivers approved by this Resolution, except those itemized in Section 2 of this Exhibit, the Affordable Housing Fund or another fund will be used to reimburse the following:

- A. Any fund that would have otherwise received revenue from the waived fees; or
- B. The Developer, if the Developer pays the fees in anticipation of being reimbursed.

paf:pmg:22-252c

Exhibit 1

Plant Palette

Trees:

- Milo
- Pink Tecoma
- Rainbow Shower
- Plumeria
- Avocado
- Mango
- Plumeria
- Jatropha
- Foxtail Palm
- Loulou Palm
- Yew Pine

Shrubs:

- Hau
- El Dorado
- Queen Emma Lily
- Plumbago
- Firecracker
- Areca Palm
- Apo
- Akia
- Kalo
- Croton

Ground Cover:

- Pohinahina
- Kupu Fern
- Ilima Papa
- Nehe
- Lauae Fern
- Ruellia
- Golden Glory
- El Toro Zoysia Grass



PLANTING CONCEPT PLAN

- Medium Flowering Canopy Tree
- Large Flowering Canopy Tree
- Medium Shade Tree
- Small Flowering Tree
- Palm
- Grass
- Shrubs & Ground Cover
- Native Shrubs & Ground cover
- Buffer Shrubs

KUIKAHI AFFORDABLE HOUSING

Wailuku, Maui, Hawaii

6-15-21

EXHIBIT "B"

**KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT
MODIFICATIONS**

1. The Developer must commence construction of the Kuikahi Village Workforce Housing Project within two years of enactment of Bill 127 (2022) and must complete construction within five years of enactment of Bill 127 (2022). Resolution 22-193, inclusive of exhibits, automatically lapses and becomes void if construction has not commenced within two years of enactment of Bill 127 (2022), except that an extension may be granted by Council by resolution.
2. The Developer must develop and manage the Project in substantial compliance with all representations made to the Council and its Affordable Housing Committee, and in its Project application, to obtain approval of this Resolution. The County has the right to deny the issuance of permits if, and as long as, the Developer is in breach of any of these modifications.
3. To the extent permitted by law, the applicants selected by lottery must be ranked by the total length of time each has been a resident of the County. The workforce housing units must then be offered in the order of the rankings.
4. The Developer must record in the State of Hawai'i Bureau of Conveyances a deed restriction for each residential unit within the Project site to remain owner-occupied in perpetuity. This requirement must be listed in the homeowners' association ("HOA") governing documents. Violations of this requirement will be subject to fines paid to the HOA.
5. The HOA must restrict animals allowed within the Project to indoor cats and dogs in enclosed areas. Feeding feral cat colonies and feral chickens is prohibited. The HOA must provide bait stations for rodents and mongooses, including covered trash receptacles.
6. The HOA must provide areas and receptacles for plant composting and recycling.
7. The Developer must construct sidewalks, gutters, and curbs on all frontage streets, and may seek reimbursement from the County for all reasonable associated construction costs. The County intends to reimburse the Developer with funds from the Affordable Housing Fund, or another fund, for all reasonable costs related to frontage street sidewalk, gutter, and curb construction.

8. In addition to Section 2.97.190, Maui County Code, the Developer and the County, in accordance with terms approved by the Department of the Corporation Counsel, must execute a Hold Harmless Agreement that indemnifies the County against any claims of loss or damage caused by any failure of Wailuku Water Company Reservoir #10 (MA-0151) ("Reservoir #10") due to structural defects or negligence related to its operation, maintenance, upkeep, or necessary repair for which the Developer is found liable or responsible as the landowner. In the event the Developer, as the landowner, is found responsible for ensuring compliance with the conditions contained in the Notice of Deficiency ("NOD"), dated September 4, 2021, issued by the State of Hawai'i Department of Land and Natural Resources ("DLNR"), none of the Project's units may be occupied until the DLNR confirms in writing that all remediation actions have been completed.
9. The Developer must disclose to all potential Project homebuyers that Reservoir #10 received a NOD and a High Hazard Potential dam classification by the DLNR on September 4, 2021, and must disclose to the potential Project homebuyers at the time of the sale of each unit of the most current status of compliance with the conditions set forth in the NOD.

paf:pmg:22-252d

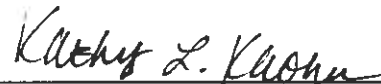
COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

It is HEREBY CERTIFIED that RESOLUTION NO. 22-193, CD1, FD1 was adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of October, 2022, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Excused	Aye	Aye	Aye	Aye	Aye	Aye



COUNTY CLERK

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

October 7, 2022

Committee
Report No. 22-97

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Affordable Housing Committee, having met on September 1, 2022, and reconvened on September 6, 2022, and September 13, 2022, makes reference to the following:

1. Resolution 22-192 entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE."

Resolution 22-192's purpose is to approve the proposed Kuikahi Village Project ("Project") with various exemptions from certain requirements in the Maui County Code relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units.

2. Resolution 22-193 entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE."

Resolution 22-193's purpose is to approve the proposed Project with modifications listed in "Exhibit B," and with various exemptions from certain requirements in the Maui County Code relating to planning, zoning, land development and improvement, and construction standards for subdivisions and dwelling units.

3. Resolution 22-194 entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

Page 2

Committee
Report No. 22-97

**WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97,
MAUI COUNTY CODE."**

Resolution 22-194's purpose is to disapprove the proposed Project.

By correspondence dated August 23, 2022, the County Clerk transmitted a letter dated August 15, 2022, from the Director of Housing and Human Concerns, transmitting an application for the development of the proposed Project under Chapter 2.97, Maui County Code.

Your Committee notes Chapter 2.97 allows a developer to seek fast track development of a 100 percent residential workforce housing project by applying for County exemptions.

In accordance with Section 2.97.170, the Council may approve, approve with modifications, or disapprove the Project within 60 days of receiving the application, or by October 14, 2022. If the Council does not take action by October 14, 2022, the Director of Housing and Human Concerns may approve, approve with modifications, or disapprove the Project within 14 days or the Project will be deemed approved.

Your Committee notes the Project is located in Wailuku, Maui, Hawai'i on a 14.97-acre parcel identified for real property tax purposes as tax map key (2) 3-5-002:003 (por.). The property owner and developer is listed as Kuikahi Properties, LLC ("Developer").

Your Committee notes the Project's amenities include a pavilion and playground, parks, a pedestrian and bike path, landscaped green spaces, sidewalks, neighborhood services in live-work units, and adequate parking in close proximity to schools, government services, and businesses.

Your Committee notes the Project site is designated "Agricultural" by the State Land Use Commission and zoned "Agriculture" by the County. Additionally, the site is located within the Maui Island Plan's Urban Growth Boundary and is designated "Agriculture" in the Wailuku-Kahului Community Plan.

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

Page 3

Committee
Report No. 22-97

Your Committee further notes that an Environmental Assessment was prepared, as required by Section 2.97.040, to comply with the environmental review requirements of Chapter 343, Hawai'i Revised Statutes. The Environmental Assessment was submitted in May 2022 with no significant findings.

Additionally, under Section 2.97.050, informational meetings with the community were held on January 11, 2021, February 16, 2021, March 8, 2021, April 22, 2021, and January 26, 2022.

Your Committee received a presentation from a representative of the Developer. As noted in the presentation and application, Kuikahi Village consists of 202 multi-family, duplex, townhome, live-work, studio, and single-family units. The units will be offered for sale to income-qualified households earning at or below 140 percent of the Area Median Income ("AMI").

Your Committee received comments from various County agency representatives, including representatives from the Department of Environmental Management, Department of Fire and Public Safety, Department of Housing and Human Concerns, Department of Planning, Department of Police, Department of Public Works, and Department of Water Supply. Written comments were also included in the Project's application materials.

Your Committee discussed various exemptions, as requested by the Developer and listed in Exhibit "A," relating to land use and zoning; construction and design standards; fast track permitting; and the Project's applicant selection and waitlist procedures.

Your Committee notes that the Developer submitted proposed sales prices, as required by Section 2.97.060(5)(d) on September 9, 2022, which were included in its presentation. The Developer said official prices for units will be released as part of the marketing plan for the Project.

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

Page 4

Committee
Report No. 22-97

Your Committee discussed amending the Project's price guidelines to include very low, low, below moderate, moderate, and above moderate income-qualified individuals between 51 percent and 140 percent AMI.

A Deputy Corporation Counsel clarified that any legislation affecting affordable sales price calculations would impact unit prices.

Your Committee discussed traffic flow concerns at the intersection of Ku'ikahi Drive and Kehalani Mauka Parkway. Your Committee supported reimbursement for the cost of traffic mitigation measures from the Affordable Housing Fund or another available County fund.

Your Committee discussed concerns with the Wailuku Water Reservoir #10 ("Reservoir"), which borders the Project site to the north, which received a Notice of Deficiency from the Department of Land and Natural Resources ("DLNR") on September 4, 2021. The Developer clarified that although located on the parcel, the Reservoir is not owned or operated by the landowner.

The Developer agreed to work with the Department of the Corporation Counsel on an indemnification agreement to ensure the Reservoir is in good standing condition with the DLNR before units are occupied. The Developer also said it plans to build a retention basin on the property to manage storm water runoff.

Your Committee agreed to most of the listed exemptions in Exhibit "A," with revisions. Based on comments from the Director of Public Works, your Committee did not support an exemption from the provisions of Section 16.26B.3600, Maui County Code, requiring sidewalks on the Project's frontage streets and revised Exhibit "A" accordingly.

Your Committee supported using funds from the Affordable Housing Fund or another available County fund for the reimbursement of all reasonable costs related to certain fees granted to the Developer that are not outlined in Section 2.97.150.

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

Page 5

Committee
Report No. 22-97

Your Committee considered several modifications to the Project, as listed in Exhibit "B," including provisions to achieve the following objectives:

- Restrict animals within the Project to indoor cats and dogs in enclosed areas.
- Require plant composting and recycling.
- Require all units to be owner-occupied in perpetuity as a deed restriction recorded with the State of Hawai'i Bureau of Conveyances.
- Adjust the start and completion times for the Project.
- Require that preference must be given to long-term residents of the County.
- Require the Developer to include an indemnification agreement relating to the Reservoir.

Your Committee notes Bill 127 (2022), entitled "A BILL FOR AN ORDINANCE TO AMEND THE STATE LAND USE DISTRICT CLASSIFICATION FROM AGRICULTURAL DISTRICT TO URBAN DISTRICT (CONDITIONAL BOUNDARY AMENDMENT) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NOS. (2) 3-5-002:003 (POR.), CONTAINING A TOTAL OF 14.97 ACRES," was referred to your Committee at the August 23, 2022 Council meeting, and accompanied the Project application.

A Deputy Corporation Counsel confirmed land use ordinances, such as Bill 127, would require review by the Maui Planning Commission under Section 8-8.6 of the Revised Charter of the County of Maui (1983), as amended, prior to Council approval.

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

Page 6

Committee
Report No. 22-97

Your Committee agreed the Project fulfills an urgent need for affordable housing in the County and voted 9-0 to recommend adoption of Resolution 22-193, CD1; filing of Resolution 22-192; and filing of Resolution 22-194. Committee Chair Johnson, Vice-Chair Molina, and members Kama, King, Lee, Paltin, Rawlins-Fernandez, Sinenci, and Sugimura voted "aye."

Your Committee is in receipt of Resolution 22-193, CD1, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

Your Affordable Housing Committee RECOMMENDS the following:

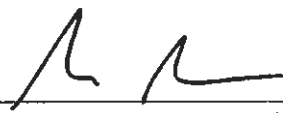
1. That Resolution 22-193, CD1, as revised herein and attached hereto, entitled "APPROVING WITH MODIFICATIONS THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be ADOPTED;
2. That Resolution 22-192, attached hereto, entitled "APPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be FILED; and
3. That Resolution 22-194, attached hereto, entitled "DISAPPROVING THE INDEPENDENT DEVELOPMENT OF THE KUIKAHI VILLAGE WORKFORCE HOUSING PROJECT UNDER CHAPTER 2.97, MAUI COUNTY CODE," be FILED.

COUNCIL OF THE COUNTY OF MAUI
AFFORDABLE HOUSING COMMITTEE

Page 7

Committee
Report No. 22-97

This report is submitted in accordance with Rule 8 of the Rules of the Council.



GABE JOHNSON, Chair

ah:cr:22035aa:pmg

COUNCIL OF THE COUNTY OF MAUI

WAILUKU, HAWAII 96793

CERTIFICATION OF ADOPTION

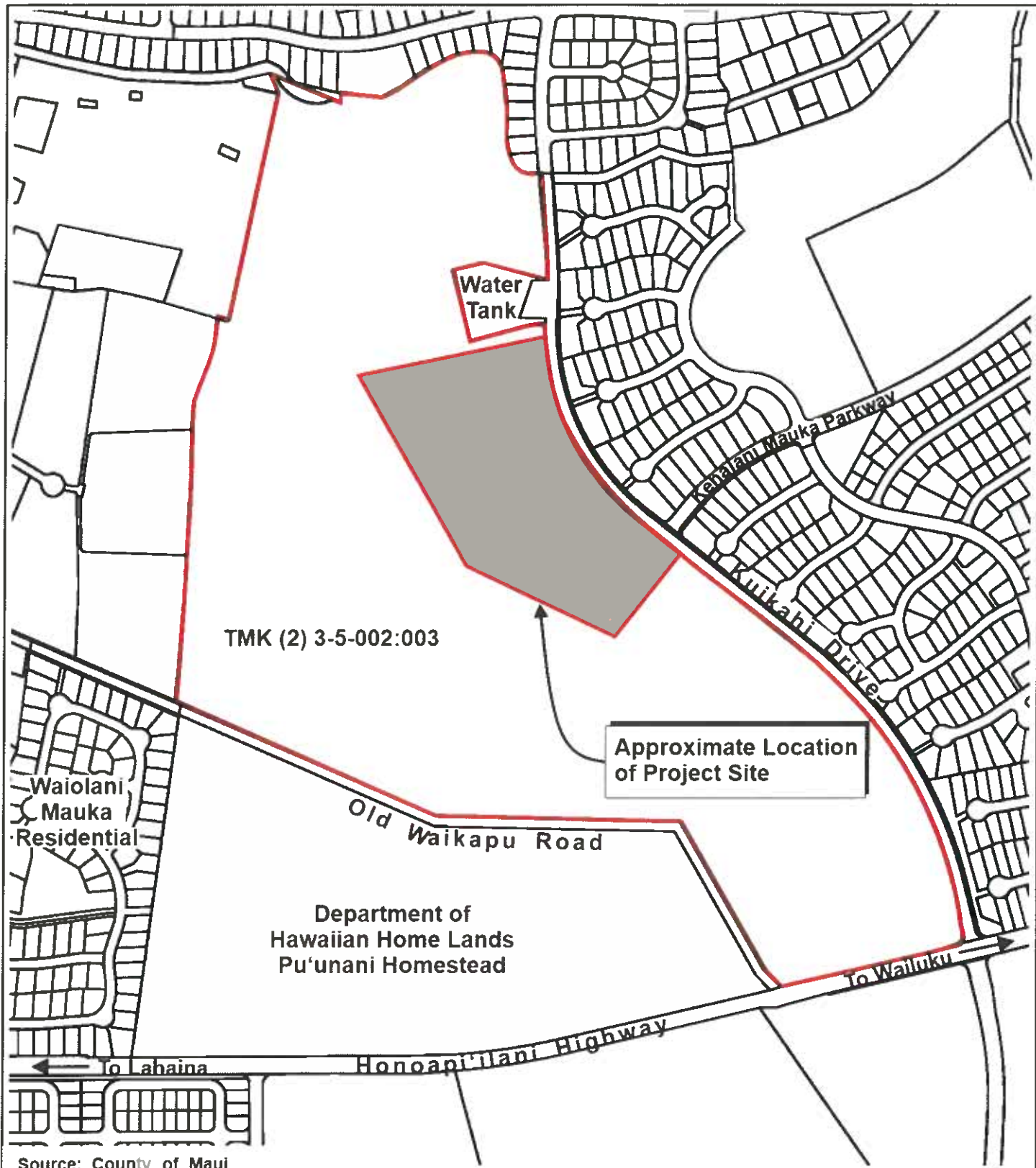
It is HEREBY CERTIFIED that the recommendations contained in COMMITTEE REPORT NO. 22-97 were adopted by the Council of the County of Maui, State of Hawaii, on the 7th day of October, 2022, by the following vote:

MEMBERS	Alice L. LEE Chair	Keani N. W. RAWLINS- FERNANDEZ Vice-Chair	Gabriel JOHNSON	Natalie A. KAMA	Kelly T. KING	Michael J. MOLINA	Tamara A. M. PALTIN	Shane M. SINENCI	Yuki Lei K. SUGIMURA
ROLL CALL	Aye	Aye	Excused	Aye	Aye	Aye	Aye	Aye	Aye

Resolution No. 22-193, CD1, FD1 was adopted.



COUNTY CLERK



Source: County of Maui

Figure 2

Kuikahi Village Project Project Location Map



Prepared for: Kuikahi Properties, LL

Exhibit "3"

 MUNEKIYO HIRAGA

neis/Wailuku AH/Applications/Figures/Property Location Map FEA

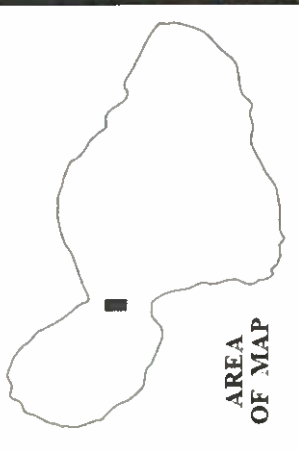
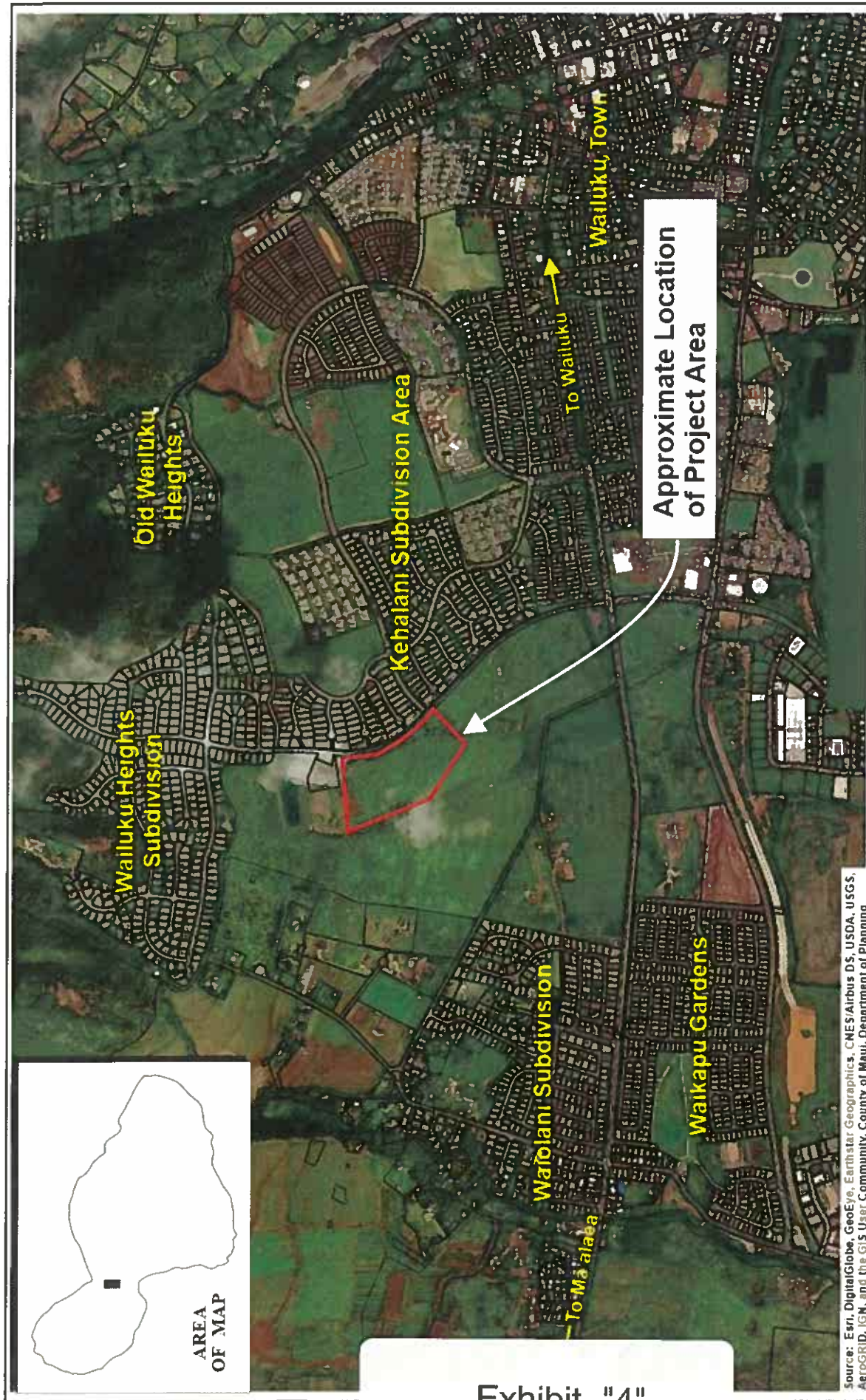


Figure 1
Kuikahi Village Project
Regional Location Map



Prepared for: Kuikahi Properties, LLC





Exhibit "5"



Exhibit "6"



Exhibit "7"



Exhibit "8"



Exhibit "9"



Source: Ron J. Ped, Architect

Figure 3



Kuikahi Village Project Preliminary Site Plan

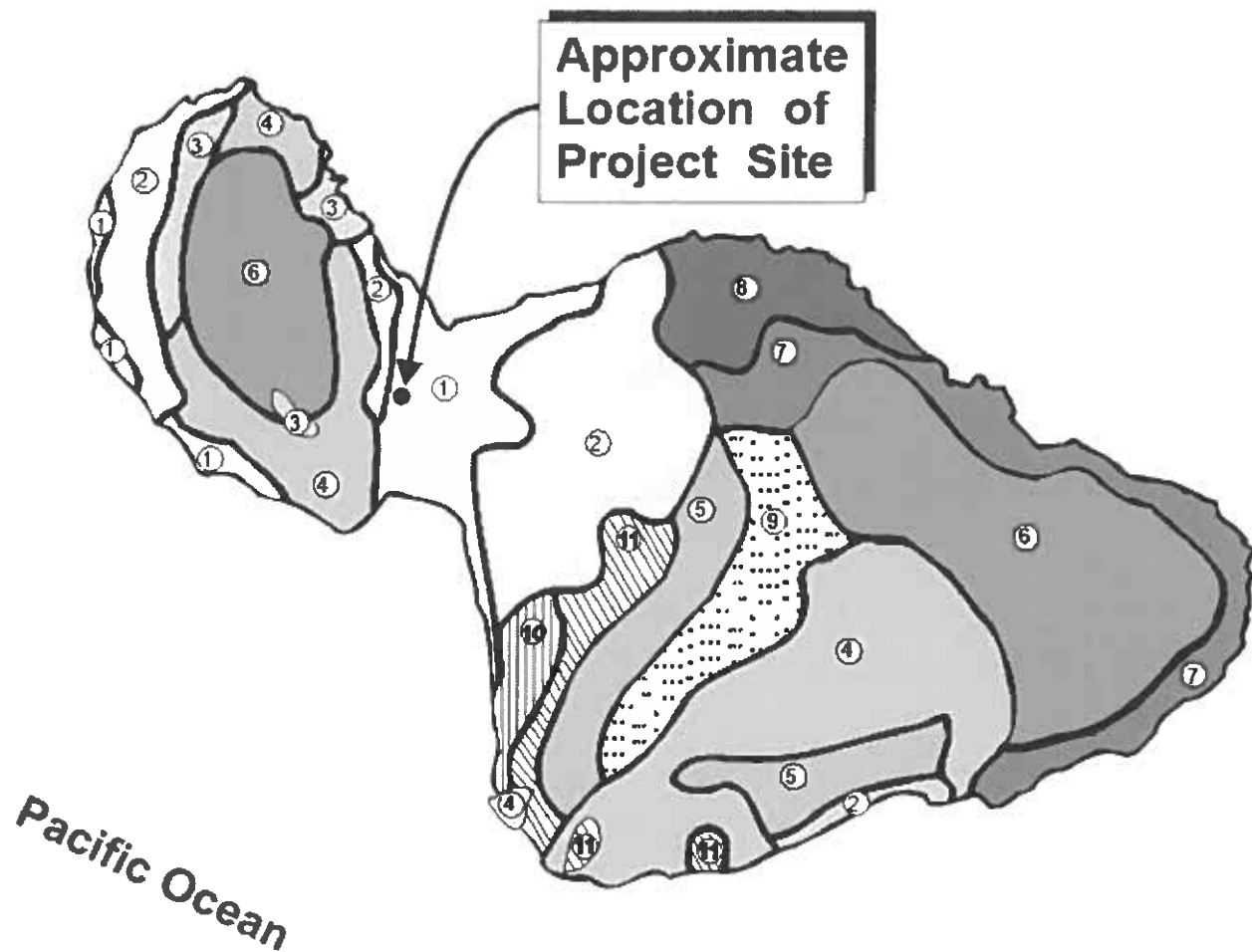
NOT TO SCALE



Prepared for: Kuikahi Properties, LLC

LEGEND

- | | |
|--|-------------------------------------|
| ① Pulehu-Ewa-Jaucas association | ⑦ Hana-Makaalae-Kailua association |
| ② Waiakoa-Keahua-Molokai association | ⑧ Pauwela-Haiku association |
| ③ Honolulu-Olelo association | ⑨ Laumaia-Kaipoi-Olinda association |
| ④ Rock land Rough mountainous land association | ⑩ Keawakapu-Makena association |
| ⑤ Puu Pa-Kula-Pane association | ⑪ Kamaole-Oanapuka association |
| ⑥ Hydrandepts-Tropaquods association | |



Map Source: U.S. Department of Agriculture, Soil Conservation Service, 1972

Figure 4

Kuikahi Village Project Soil Association Map

NOT TO SCALE



Prepared for: Kuikahi Properties, LLC

Exhibit "10"

 MUNEKIYO HIRAGA

W/ Regens 5/1/2010 AH Applications Figures Only Assoc PEA

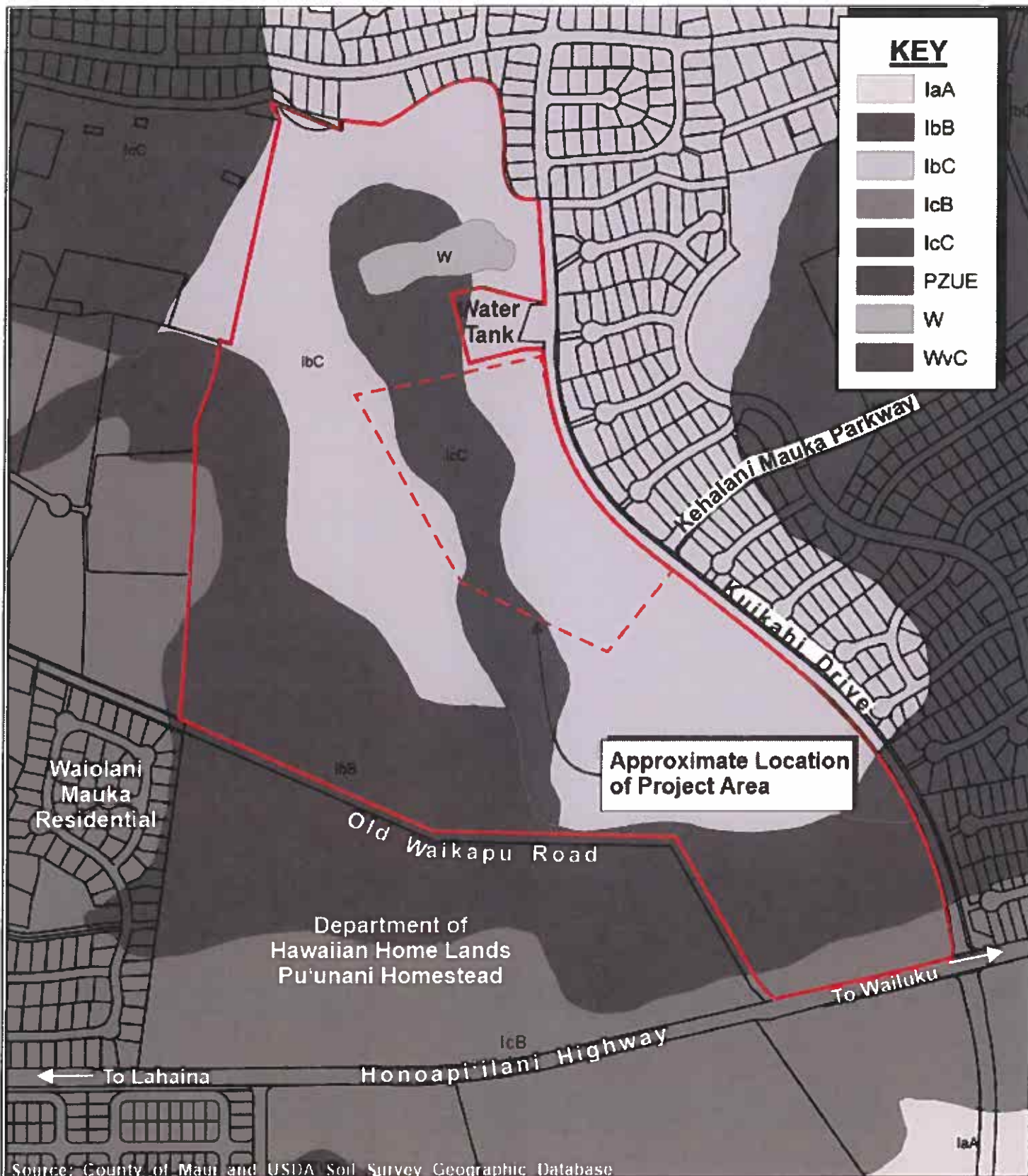


Figure 5

Kuikahi Village Project Soils Classification Map



Prepared for: Kuikahi Properties, L

Exhibit "11"

MUNEKIYO HIRAGA

Regenes\Wailuku AH\Applications\Figures\Soils Classification.FEA

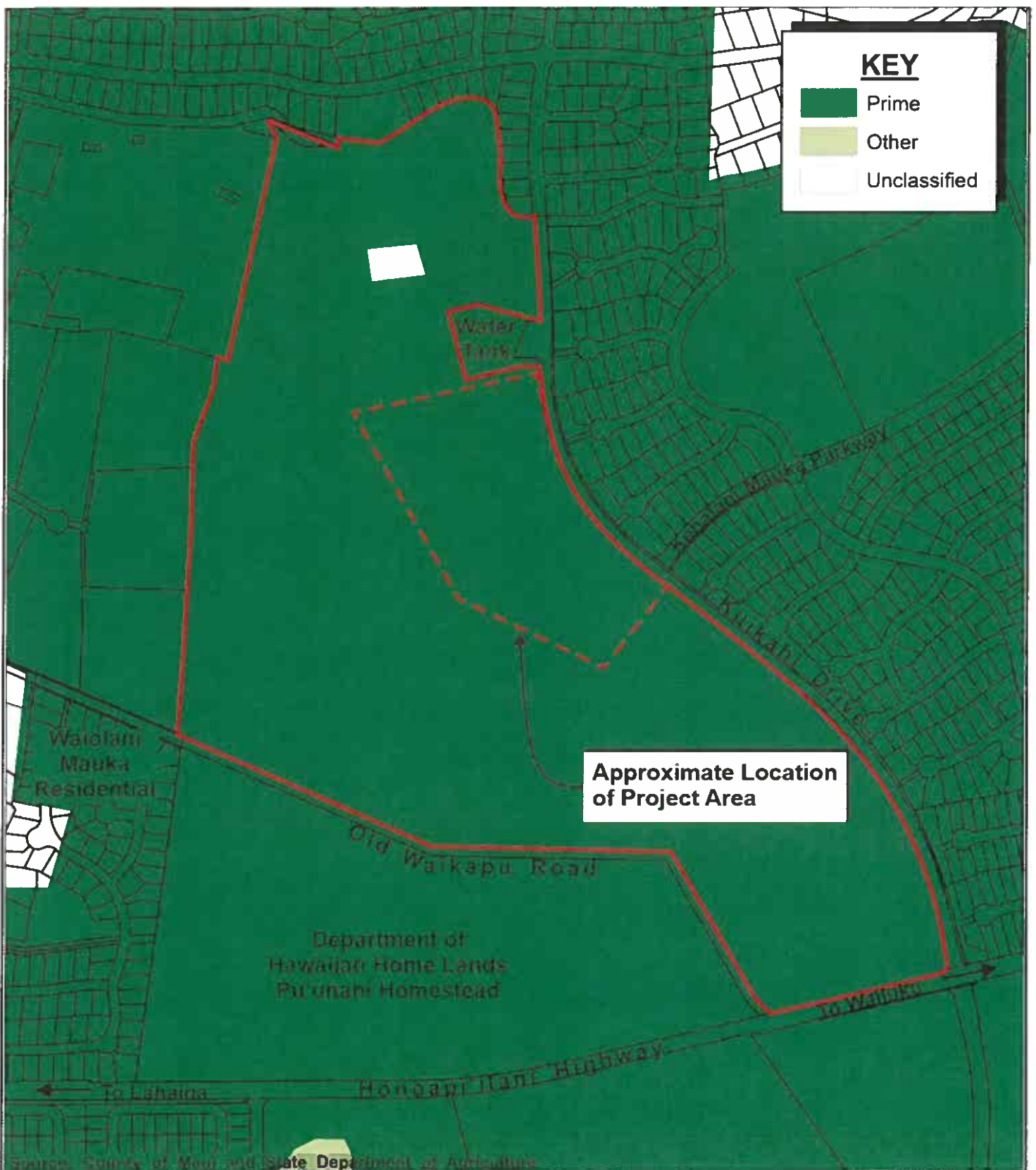


Figure 6



Kuikahi Village Project Agricultural Lands of Importance to the State of Hawai'i Map

Prepared for: Kuikahi Properties, L

Exhibit "12"



MUNEKIYO HIRAGA

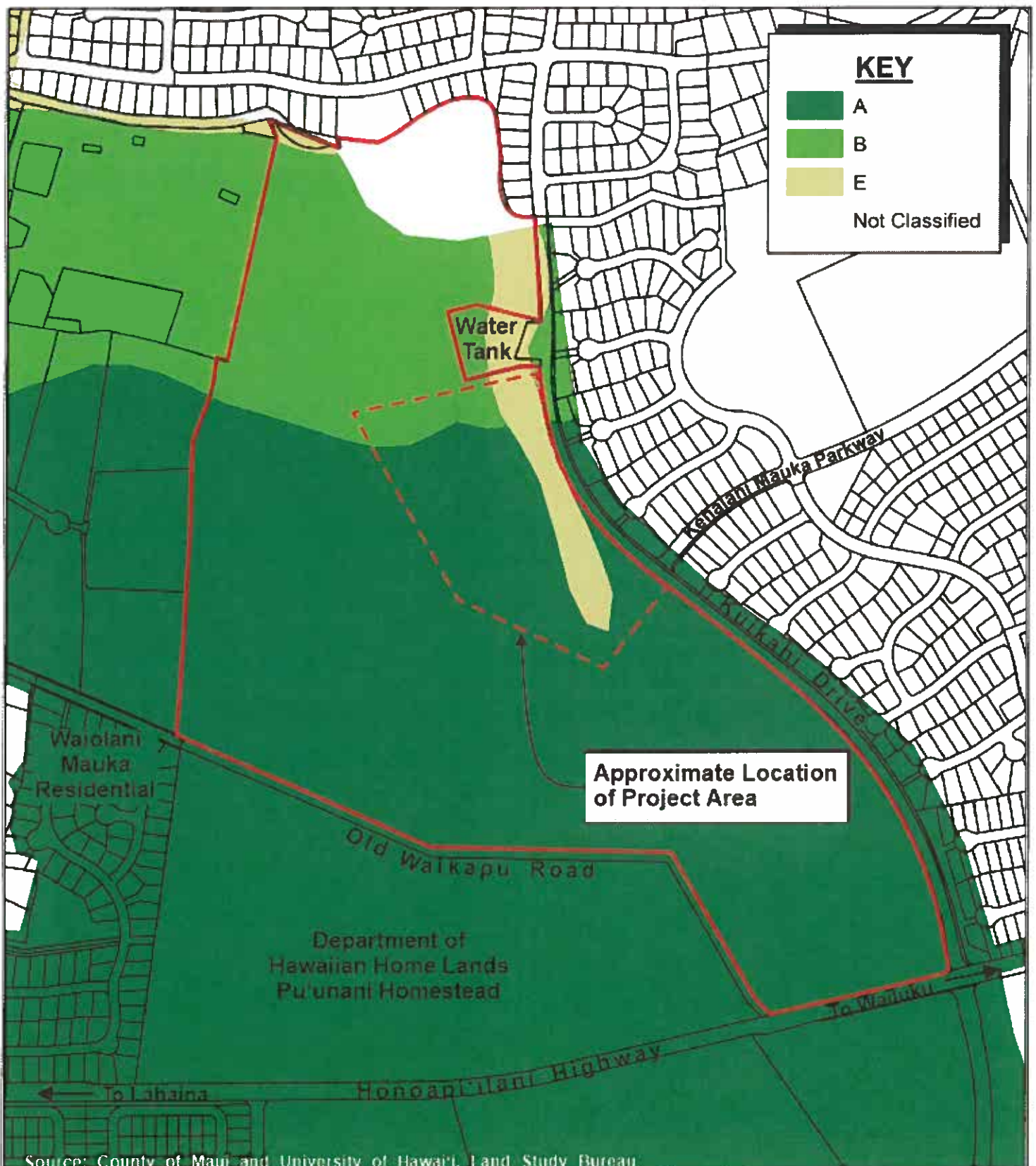
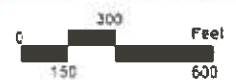


Figure 7



Kuikahi Village Project Land Study Bureau Map



Prepared for: Kuikahi Properties, LL

MUNEKIYO HIRAGA

Exhibit "13"

KV Regeneris-Waikuku AH Applications Figures LSB FEA

Subject: KUIKAHI VILLAGE

From: Kaniloa Kamaunu <bkofmor@gmail.com>

Sent: Sunday, March 6, 2022 5:08 PM

To: Karlynn Fukuda <karlynn@munekiyohiraga.com>; mike@scshawaii.com

Subject: KUIKAHI VILLAGE

KUIKAHI VILLAGE

Aloha Mai Kakou,

This letter is in response to the Kuikahi Village Affordable housing project. On Wednesday January 26, 2022 6pm Aha Moku 'O Wailuku (AMOW) held its monthly General meeting on Zoom. Karlynn Fukuda of Munekiyo and Hiraga (M&H) as well as Lawrence Carnecelli VP of Development-Alaula Builders and Micheal Dega Archeologist of Scientific Consultant Services (SCS) Inc made a presentation of the above mentioned project to the Aha. Members of the Maui community participating were myself Kaniloa Kamaunu AMOW Rep, Clare Apana, Carol Kamekona, Noelani Ahia, Ellie Rae and John Kahawaii.

After the meeting community participants requested from the development team more information on project. Upon request Karlynn Fukuda M&H and Micheal Dega SCS shared their documents and I gave copies to those AMOW participants. After these many weeks I have gather these responses from those who participated in that meeting and are now forwarding to Karlynn Fukuda of M&H through email.

Clare Apana: My comment is questioning whether the drainage is adequate and asking for scientific study/proof that the ground water etc. will be handled. Also noting that there were no archaeological features or sites found in all of those acres. Thirdly the maps of the soil content absolutely shows something different than what you shared. Do you have old maps that you can look at the sand study. I have more concerns and will add to them later when I get to read a little more of the report.

Noelani Ahia: My comments are directed to Mike Dega of SCS. I see there is a need to have the LCA's translated and presented to us. Also, I would like to see the finds from the previous archeology mapped so we can visually see the relationship. The map should include finds in adjacent parcels, as far over as the golf course that Aunty Clare referenced had significant finds and also at least as far as the area to the north.

AMOW is aware of the concerns for affordable housing needed here on Maui, but due to these concerns we of AMOW cannot support this project. We'd like to express our mahalo for allowing us to participate.

Mahalo Nui,

Kaniloa Kamaunu AMOW Representative



MUNEKIYO HIRAGA

Planning Project Management Sustainable Solutions

Karlynn K. Fukuda
PRESIDENT

Mark Alexander Roy AICP, LEED AP
VICE PRESIDENT

Tessa Munekiyo Ng AICP
VICE PRESIDENT

Michael T. Munekiyo AICP
SENIOR ADVISOR

May 16, 2022

Via email: bkofmor@gmail.com

Aha Moku 'O Wailuku
c/o Kaniloa Kamaunu

SUBJECT: Proposed Kuikahi Village Affordable Housing Project

Dear Aha Moku 'O Wailuku members,

Thank you for meeting with the project team for the proposed Kuikahi Village project virtually at our Zoom meeting on January 26, 2022. We appreciated the opportunity to present the project information to you on the 100% affordable housing project. We are in receipt of the email from Kaniloa Kamaunu on March 6, 2022, with the comments from the Aha Moku 'O Wailuku (AMOW) on the Kuikahi Village project.

Please find attached a letter from Mike Dega of Scientific Consulting Services (SCS), the project's archaeologist, responding to the comments received in the March 6, 2022 email.

The Preliminary Engineering Report (PER) that was provided to the AMOW via email on February 1, 2022 was included in the project's Draft Environmental Assessment (EA) document. The PER was prepared following the regulations and standards required by the County of Maui. It is noted that the PER concluded that with the proposed drainage improvements for the Kuikahi Village project, the level of runoff leaving the project area, would be less than the current flow through the site. Please see page 8 of the PER.

We appreciate the opportunity to meet with the AMOW and for your comments on the project. A copy of the comments and this response will be included in the Final EA document for the project.

Very truly yours,

Charlene S. Shibuya
Senior Associate

CSS:ab

Cc: Doyle Betsill, Kuikahi Properties (w/attachment)
Lawrence Carnicelli, Alaula Builders (w/attachment)
Mike Dega, Scientific Consulting Services (w/attachment)
Stacy Otomo, Otomo Engineering, Inc. (w/attachment)

K:\DATA\WV Regensis\Wailuku AH\Applications\Final EA\Response Letters - 2.97 and DEAMOW.docx

Maui: 305 High Street, Suite 104 • Wailuku, Hawaii 96793 • Tel: 808.244.2015 • Fax: 808.244.8729

Oahu: 735 Bishop Street, Suite 412 • Honolulu, Hawaii 96813 • Tel: 808.983.1233

www.munekiyoahiraga.com

Aloha Aha Moku O Wailuku,

Mahalo for the comments and for your time during the presentations. We take all your comments seriously and will do our best to address each. Per the archaeological portion of your comments, three items appear to need clarification or comment:

1. Discuss the project area and presented soil maps
2. Provide full details and translations of the discussed Land Commission Awards
3. Provide maps of previous archaeology in nearby environs to assess the project area and relationship with these sites.

Soil types

As noted during the presentation, soil types in and around the project area are consistent with 'lao cobbly silty clay (IbB), 'lao clay (IcC), and 'lao cobbly silty clay (IbC). The closest sand, of the Puu One series, occurs at a minimum c. 1.5 km to the east, makai of the Honoapi'ilani Highway.

The 'lao sediments noted for the project area were also confirmed during trenching during previous projects, including the current project area, to the north and south flanks of the current Kuikahi Village project area (Dega 2004; Wilson and Dega 2005).

Multiple trenches and stratigraphic profiles are available as empirical evidence to show the absolute lack of sand in the project area. Both reports are available if one would like to review the results of the excavation for both projects.

Land Commission Awards

As discussed during the presentation, there are no land commission awards or royal patents for the Kuikahi Village project area. Nor are there LCA nor royal patents within the total 148-acre subject parcel of which the Kuikahi Village project area is located.

We did share with AMOW that there are several LCA around the project area, which were summarized during the presentation. These include LCA 326, 71, and 387. Three royal patents for these three LCA's were also issued for lands outside the current project area and subject parcel: 1925, 4549, and 7659. To the south of the current project area, three LCA are present: 433, 3201, and 3525.

All these LCA and royal patents were summarized as associated with Historic era land use in the greater Waikapu area. No burials were noted in any of these LCA nor were any traditional sites or customary areas.

The community may investigate these LCA and royal patents for free using the Office of Hawaiian Affairs Kipuka Database: <http://kipukadatabase.com>. This is an excellent, easy to use, free database to explore LCA's across the state.

Per the current project area and subject parcel, there are no associated LCA or royal patents.

Previous Archaeology

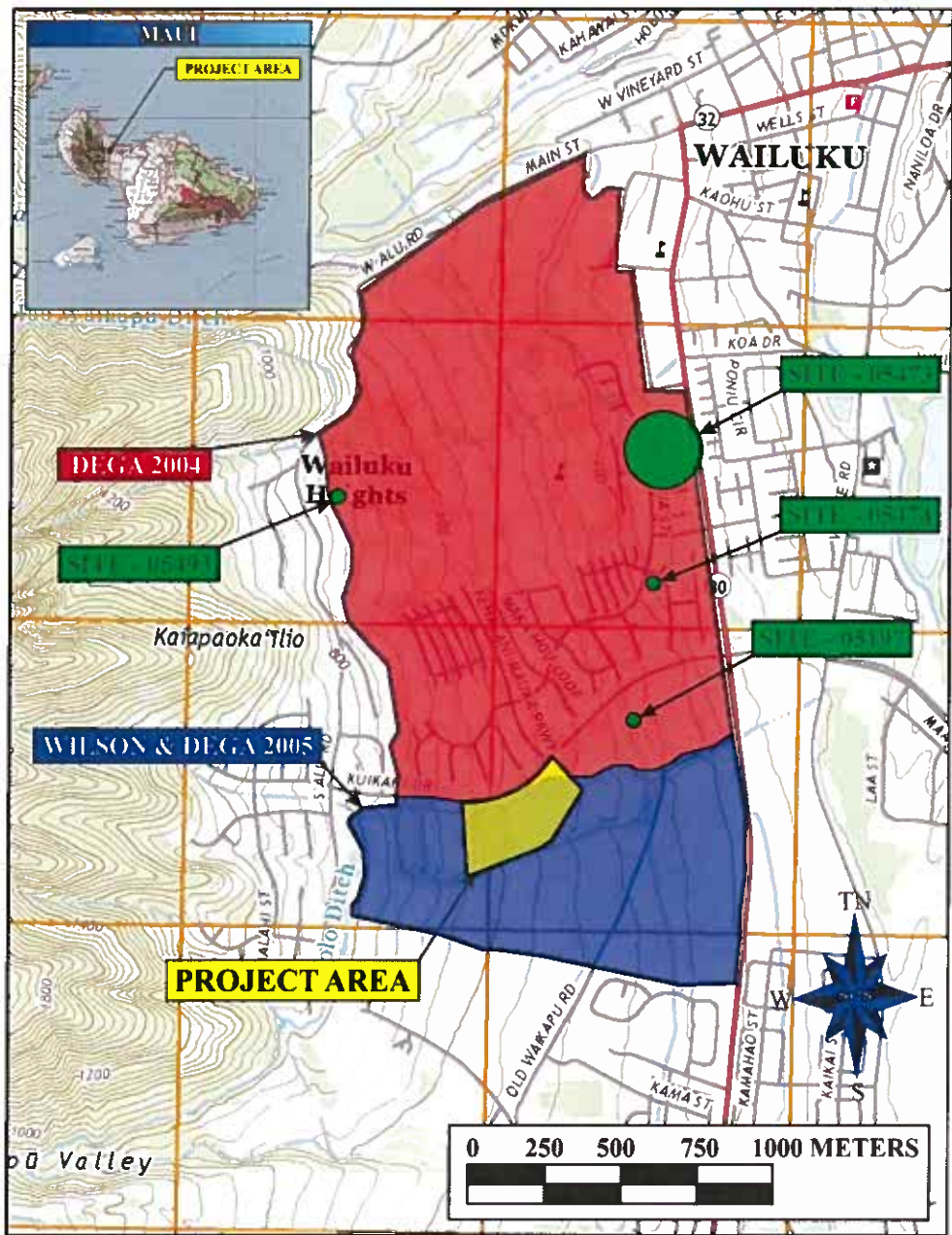
The presentation also discussed previously documented archaeological sites near the current project area (none have been identified through previous archaeological projects in the Kuikahi project area). The map shown below was presented, along with descriptions of the sites that were identified. These sites represent the most accurate picture of the types of sites occurring in the vicinity of the project area.

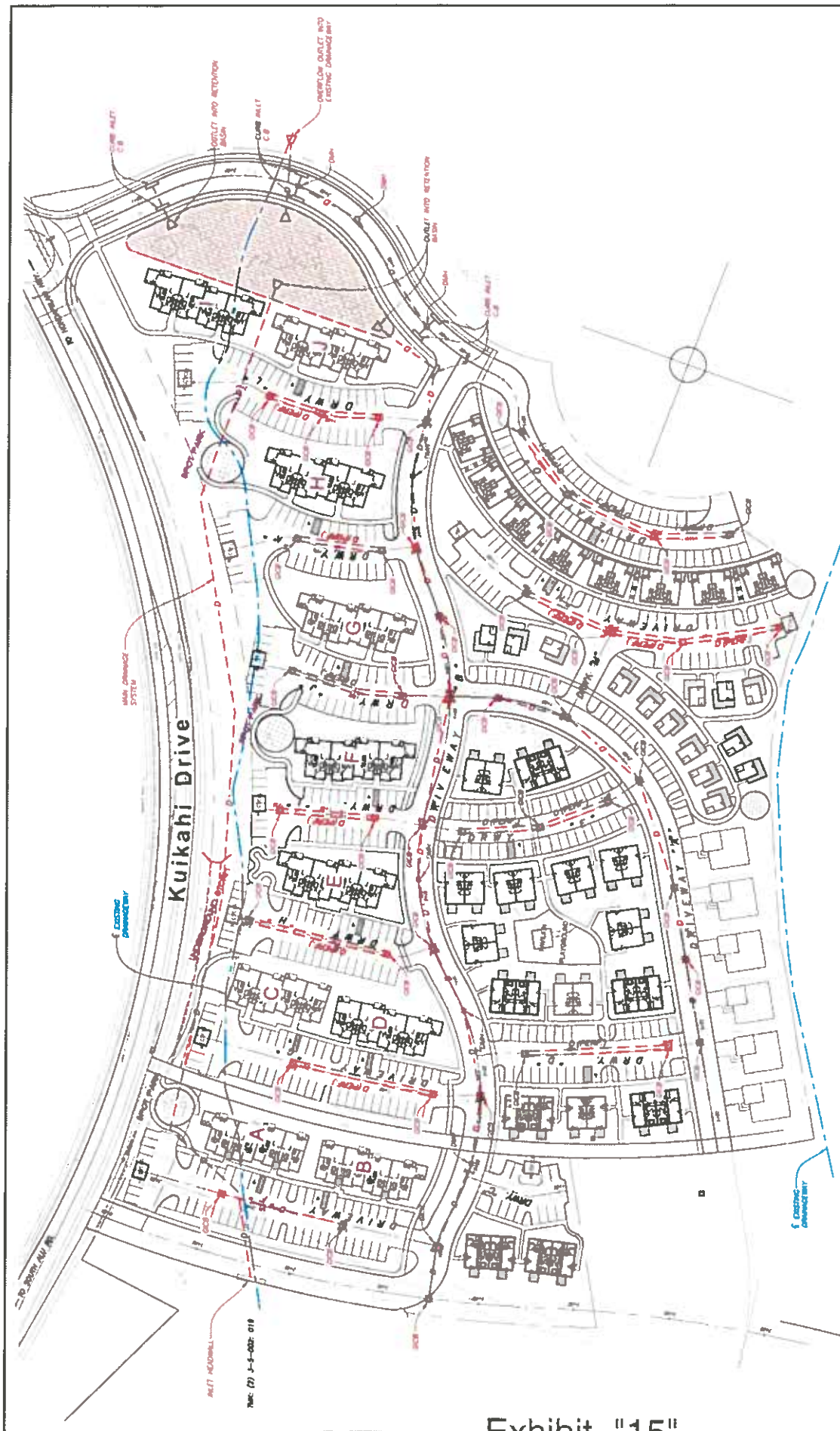
There are archaeological sites aka historic properties occurring far outside this area. While we acknowledge your desire to know about sites occurring miles away in different terrain, elevations, and climate, these sites are decidedly different, such as those associated with sand hills (burials) or upland forests (temporary habitation loci). All the sites in the vicinity of the project area are related to Historic era cultivation and occupation and form a better picture of what could occur in the current project area.

Mahalo,

Mike Dega

SCS Hawaii





Source: Otomo Engineering, Inc.

Figure 14

Kuikahi Village Project Preliminary Drainage Plan

NOT TO SCALE

Prepared for: **Kuikahi Properties, LLC**

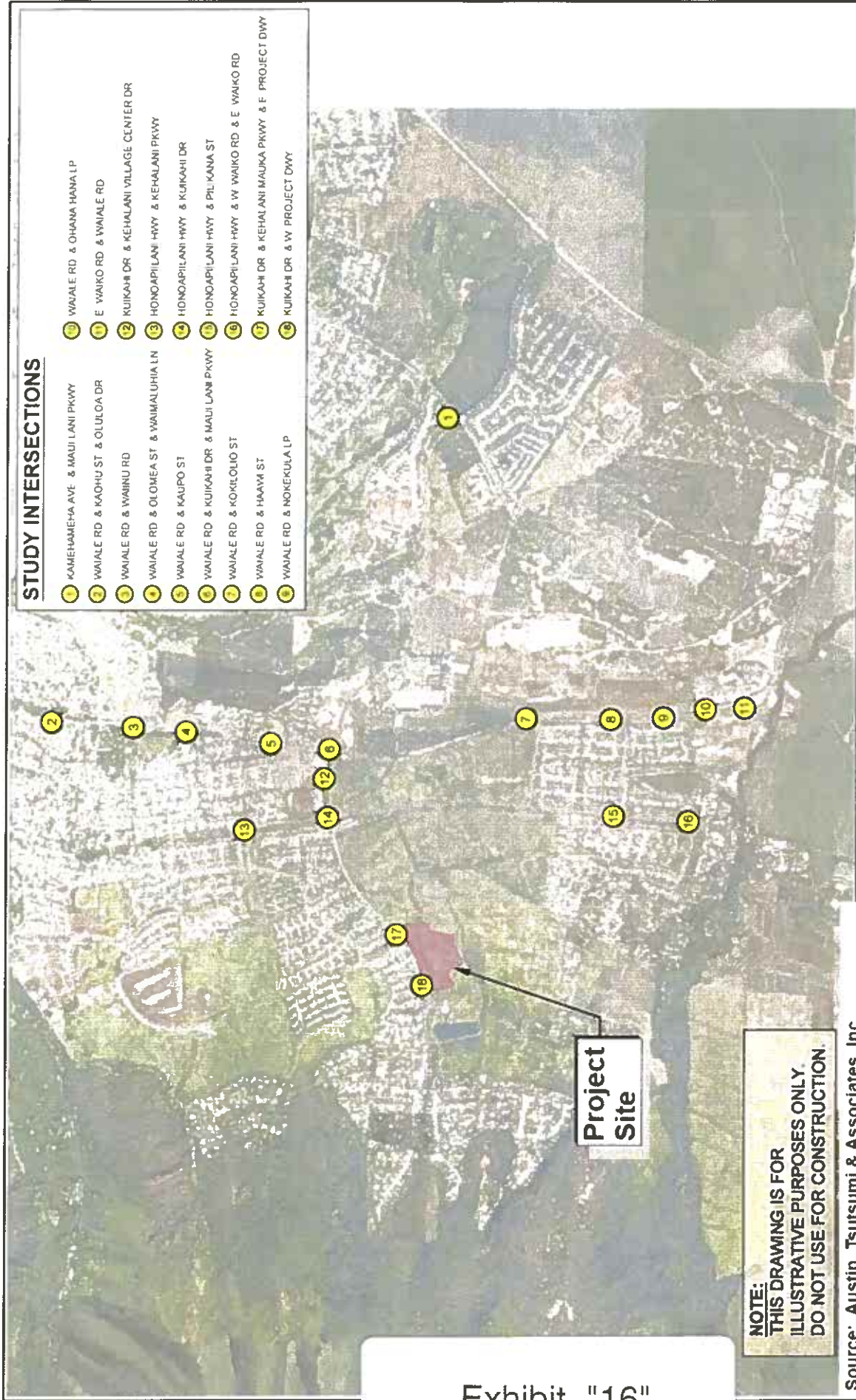


Figure 13

Kuikahi Village Project
Traffic Study Intersection

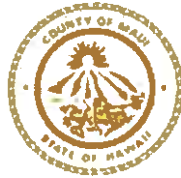
NOT TO SCALE



Prepared for: Kuikahi Properties, LLC



MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

December 7, 2021

Mr. Buddy Almeida
County of Maui
Department of Housing and Human Concerns
2200 Main Street, Suite 546
Wailuku, Hawaii 96793

Dear Mr. Almeida:

SUBJECT: REQUEST FOR COMMENT ON THE DRAFT ENVIRONMENTAL ASSESSMENT (DEA) FOR THE PROPOSED KUIKAHI AFFORDABLE RESIDENTIAL PROJECT, LOCATED IN WAILUKU, MAUI, HAWAII; TMK: (2) 3-5-002:003 (POR.) (EAC 2021/0007)

The Department of Planning (Department) is in receipt of the Applicant's October 5, 2021, Request for Comment on the Draft Environmental Assessment (DEA) for the proposed Kuikahi Affordable Residential Housing Project (Project) to be processed pursuant to Chapter 2.97, Maui County Code (MCC). The Urban Design Review Board (UDRB) reviewed the Project on November 2, 2021. After hearing public testimony and deliberation, the UDRB offered comments that have already been provided.

The Maui Planning Commission (Commission) reviewed the Project on November 25, 2021. After hearing public testimony and deliberation, the Commission offered comments, detailed below. The Department also offers its comments.

Commission Comments:

1. The multiple types of housing included in the project are appreciated.
2. The central playground and pavilion are appreciated.
3. The project site is valuable for agriculture and best suited for farming. The land is fertile and has easy access to water, more so than the other agricultural land in the area. The land has historically been highly productive servicing large populations.
4. Provide a detailed description of the project's drainage to ensure the resulting stormwater from the project will not impact any existing or future neighbors, and to ensure the ditch parallel to the road will not overflow and result in damage to any of the proposed units.
5. Limit the heights of all structures to be no higher than 40 feet.
6. Ensure the spot parks are adequate in size.

7. Ensure the number of parking stalls are listed consistently throughout the DEA.
8. Require a 20 year minimum duration of ownership for all units.
9. If an exemption from the required sidewalks along Kuikahi Drive is pursued, provide safe connections to the sidewalks across Kuikahi Drive, such as by adding crosswalks and cuts to the existing sidewalk.
10. Provide only native plants or multi-purpose plants in the landscaping so that all plants are useful beyond aesthetics, such as for lei, food, practical uses, etc.
11. The project is described as an infill action when it does not meet the definition of infill development.
12. State the anticipated population of residents for the project.
13. Further describe the commercial component within the project. Provide further analysis of what businesses will be there and who they will serve.
14. State how many children are anticipated to reside in the project. The schools cited in the DEA are exceeding capacity and so further consideration to accommodate the increase in children to the schools in the area must be addressed.
15. State how the project will affect the existing streams/ditches on the property.
16. If the stream is traditionally the boundary for an ahupua'a, it should be highlighted in the DEA.
17. The roadway system is designed to connect to future development. State what secondary and cumulative impacts may result due to the future growth around the project.
18. Further analysis of the prime and Class A agriculture land is required when quality agriculture land will be eliminated. There were some who consider this to be the best land on the planet and it has historically been known as the bread basket for Maui and even the breadbasket for all of Hawaii, so converting this agriculture land for the project must be better justified.
19. Maintain the greenbelt to separate Waikapu from Wailuku.
20. Only a portion of the project is in the Urban Growth Boundary so further justification is required for going beyond that boundary.
21. Land with agricultural value is far more important than for housing because feeding the population takes priority over adding more housing when it can be added on less agriculturally productive land.

22. Traffic is already congested in the neighborhood and this could add to that traffic congestion. This will add more traffic at the bottom of Kuikahi which will be a concern.
23. The project site receives rain almost daily. Creating impervious surfaces like the project proposes could inhibit aquifer recharge. Impervious surfaces may reduce cloud formation and reduce rainfall. Provide further studies to ensure the aquifer will not be affected.
24. The impervious surfaces caused by the development will become the problem of the neighbors below, so surface water runoff must be mitigated within the project site.
25. Because the project site is within the habitat range for the Blackburn's Sphinx Moth, the potential impacts to the moth's habitat must be addressed in the DEA.
26. This is potential habitat for the 'Ope'ape'a, or Hawaiian Hoary Bat, as they roost in tall trees and this may be part of their migratory path and should be considered in the DEA.
27. Because the project is under 15 acres, it will not go before the State Land Use Commission; they should be consulted on the impacts this project will have on the schools in the area.
28. Confer with local community groups and organizations that are knowledgeable of the area to see what impacts the project might have. Include Aha Moku O Wailuku, Aha Moku O Maui, Malama Kakanilua, Hui Na Wai 'Eha, and the Hawaii Farmer's Union United's Mauna Kahalawai Chapter.
29. Provide a comprehensive plan that includes anticipated growth and the consequential impacts to the area, such as increasing vehicular traffic and reducing agricultural land available for food production.
30. Provide affordable workforce housing long-term rental units in the project.

Department Comments:

1. Include the dimensions of the structures in the DEA and in Exhibit illustrations. Listing the number of stories for the structure, without their heights, is not sufficient to determine potential impacts.
2. On page 175 (Vol I), the DEA states that there will be no adverse effect on Scenic and Open Space Resources because, "The proposed dwelling designs are consistent with other similar developments in the vicinity of the proposed project and will conform to the Maui County Zoning Code for single-family and multi-family structures." You are seeking exemption from the Maui County Zoning Code, and so this statement is not correct.

3. State in the DEA that no units will be used for any form of short-term rental use.
4. If the live/work units must be considered home businesses to qualify the project as 100% workforce housing, adjust the DEA to reflect this. The Applicant stated on record at the UDRB meeting that the home business spaces could be used by the owner as an accessory dwelling for long-term rental use. In the DEA, you must anticipate the chances that all live/work units could be used as accessory dwellings to determine potential impacts and ensure the number of housing units are appropriately reflected. This will change the number of dwellings approved for this project, the required parking, the population density, the traffic, and the impacts on infrastructure.
5. Though the Department does not recommend an exemption from the number of street trees planted, the Department is otherwise amenable to an exemption on landscaping requirements, but only to the extent that provides flexibility.
6. State the exact minimum residential lot area proposed for MCC, Section 19.30A exemption, not approximations.
7. The height must be measured from whatever is the lowest between the natural or finished grade. The exemptions requesting changes to maximum building heights, when the amount of fill is unspecified, could result in serious impacts. Raising the natural grade without regulation to an unspecified finished grade could result in excessive building elevation.
8. Ensure easily accessible bus stops are incorporated within the project.

Thank you for the opportunity to comment on the DEA for the Kuikahi Residential Project. Should you require further clarification, please contact Staff Planner Jared Burkett at jared.burkett@mauicounty.gov or at (808) 270-7378.

Sincerely,



MICHELE MCLEAN, AICP
Planning Director

Copy to: Clayton Yoshida, Planning Program Administrator (PDF)
Jacky Takakura, Acting Planning Program Administrator (PDF)
Kathleen Aoki, Planning Program Manager (PDF)
Jared Burkett, Staff Planner (PDF)
Charlene Shibuya, Munekiyo Hiraga (PDF)
Project File

MCM:CIY:JLB:lp

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